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TRANSACTIONS

OF THE

ROYAL HISTORICAL SOCIETY

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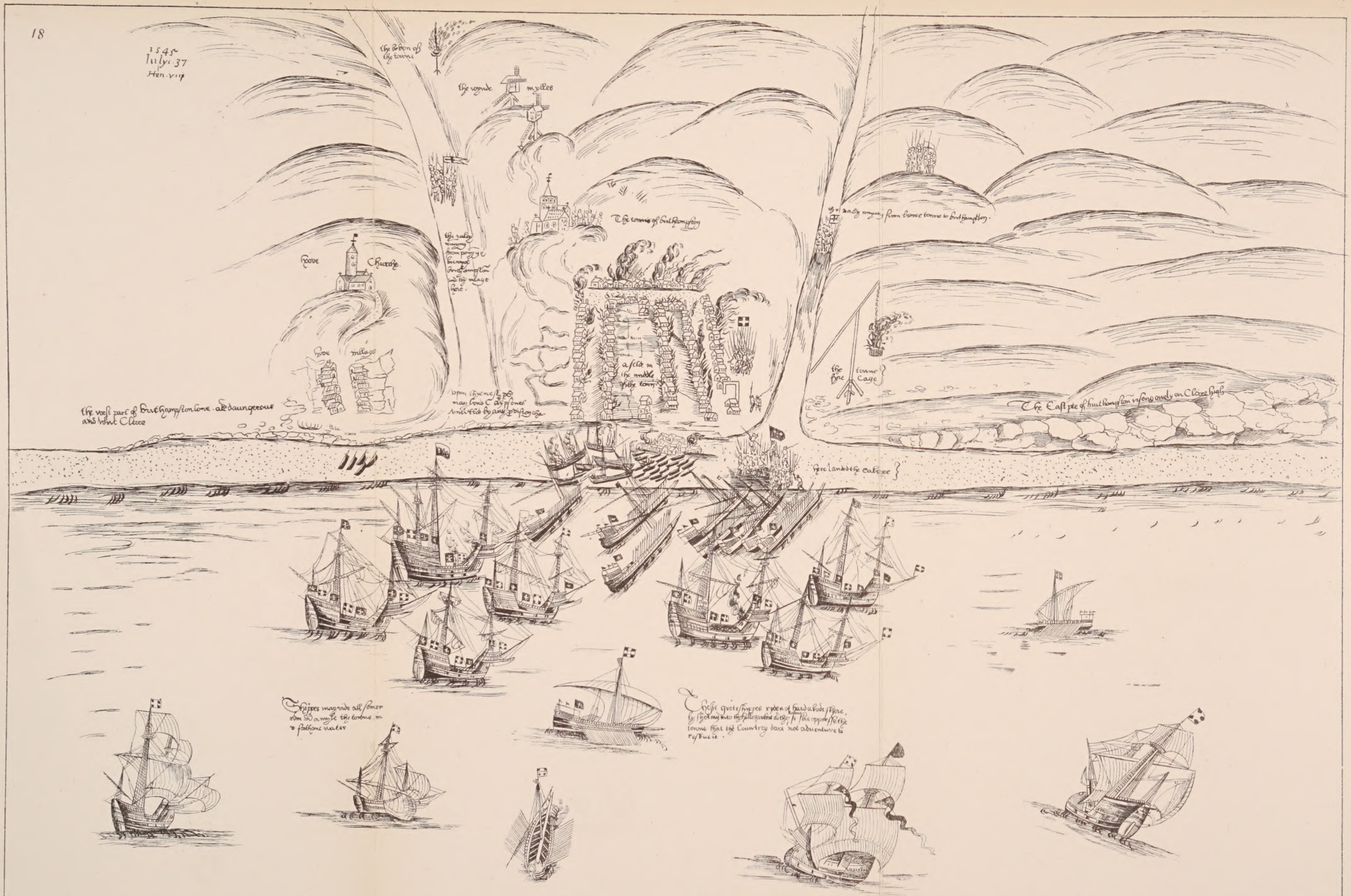
1545
July: 37
Hen. VIII
the towne of brighthamston
the vaste part of brighthamston towne · all downgeeone and lyeth Clere
the ruyne from poynt of brighthamston towne to the olde gate
a slit in the middle of the towne
the towne of brighthamston
the ruyne from brighthamston towne to brighthamston
the towne Cage
The Eastpte of brighthamston resteth onely on Clere highe
Shippes mayande all somer rom Dawnte the towne m o fathome water

THE BURNING OF BRIGHTON BY THE FRENCH.

From the 16th Century drawing in the British Museum [Aug. 1 (i) 18.]

TRANSACTIONS

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TRANSACTIONS

OF THE

ROYAL HISTORICAL SOCIETY

PRESIDENTIAL ADDRESS

By the Rev. WILLIAM HUNT, M.A., D.Litt.

Delivered February 21, 1907

The year which has passed since I last had the honour of addressing you at an anniversary meeting has been one of unusual importance in the history of our Society; it has seen the fulfilment of one of your Council's chief desires on its behalf. We have entered on the possession of a home, suitable to our purposes, not unworthy of our position as a Royal Society, and secured to us on terms which render it virtually permanent. Before this most desirable change in our circumstances, we were in the nomadic era of our existence, though we enjoyed none of the advantages properly belonging to such a stage in social development: we had neither ample space, picturesque surroundings, nor freedom from encumbrances. Many of you can recollect the unseemly and uncomfortable quarters that we so long occupied in St. Martin's Lane. It is not a pleasant remembrance, though there was good work done there, and we, alas! miss some valued fellow-workers who then adorned our Society, and have since passed away. We were glad to move into Old

Serjeants' Inn in 1901. There at least we were more fitly lodged, and had a place which we could call our own, but, as I said last year at our anniversary meeting, our rooms were too small for us; there was no space for additions to our library; our tenancy had become terminable on three months' notice, and we knew that the building in which we were lodged was doomed to speedy destruction.

Last spring your Council had reason to believe that the end was not far off, and we felt that it was time for us to take immediate steps to secure a home before we were actually driven out by house-breakers. Accordingly, on April 5, a housing committee was appointed consisting of Colonel Lloyd, Mr. Leadam, and the officers of the Society. Various sets of chambers were inspected, and the efforts that were made and the discussions that were held were many, and for some time ineffectual. At last our Honorary Treasurer, Mr. Tedder, heard of the chambers which we now occupy, and the Committee eagerly inspected them. They presented a very different appearance from that which they now wear, for they were cut up into small compartments, and were indescribably dirty and dilapidated, looking as if nothing had been done to repair or brighten them up for the last twenty years, which, indeed, I believe was the case. However, there were possibilities of improvement; and Mr. Tedder, who is an adept in such matters, explained his views to Mr. Douthwaite, the Assistant Treasurer and Steward of the Honourable Society of this Inn, and found him ready to meet our requirements as regards alteration and decoration as far as he could. Nor have we any reason to complain of our treatment by the Benchers, who met our proposals in a kindly spirit, and will certainly be good landlords to such desirable tenants as ourselves. Terms were arranged which are within our means, and a lease, on which the seal of the Society was impressed last month, secures us possession for twenty-one years. Our tenancy began on September 29 last, though we entered on occupation a few days earlier. The moving of the Society's books and other effects was a serious matter, but was

accomplished without damage. The alterations, repairs, and painting were completed by our landlords, and we had had electric lighting installed before we moved in; but much had still to be done: our old bookcases had to be fitted to new spaces and fresh ones made; our existing furniture and carpets had to be adapted to new requirements, and many things had to be bought.

Our first Council meeting was held in our new home on October 18, before the workmen had left us in peace; the arrangement of the rooms was completed on November 1, and the first meeting of the Society was held in them on the 15th, when, as you will remember, we assembled in our library to hear Dr. Gairdner, one of our Vice-Presidents, read his interesting paper on the burning of Brighton by the French. We are glad to have a room large enough to seat rather more than the average attendance at our meetings; for the Lecture rooms of the Inn will not always be available for our use. When, however, they are not wanted for their normal purpose, we shall be allowed to meet, as this evening, in one of them, on terms to which the Council have agreed.

The cordial thanks of the Society are due to those who have given much time and taken much pains to procure and prepare our present abode for us, and specially to Mr. Tedder, who both found it for us and negotiated the conditions of our tenancy; to our Honorary Secretary Mr. Malden, who arranged the moving of our possessions and the furnishing of the rooms, and not least to our Assistant Secretary and Librarian, Miss Curran: indeed I cannot imagine how we should have fared at such a time without Miss Curran, for she worked extremely hard day after day, and you will allow with success, in bringing things into order; and very dirty and disagreeable work it was as I can testify, for I saw her at it, and such as few would have done so cheerfully and no one more efficiently. I am glad to have this opportunity of making a public acknowledgment of the good work that she has done for the Society both during our late move and at all other times since she has been with us.

We are fortunate in having found a home in Gray's Inn. For practical reasons it is a convenient place, being near the Record Office and the British Museum, where many of us have to work, at least from time to time ; it is easy of access, and it is delightfully quiet. For sentimental reasons—and students of history should never deem sentiment an unimportant factor in human motives—it is peculiarly suited to be the home of such a Society as ours. There is a dignity and repose about the Inn, all the more striking from its contiguity to noisy streets and vulgar buildings, which we may regard as symbolical of the character of our special pursuit ; for history calls us to forget the importunate demands and petty business of daily life, and to dwell for a while in the silent past, among the men and women of some bygone time. I love to remember the letter in which that noble Florentine, Niccolo Machiavelli, tells his friend Francesco Vettori of his life at his little villa at San Casciano, when he was writing his wise essay, 'Il Principe,' in the winter of 1513. You will, I hope, allow me to quote what pleases me so greatly, even though the passage is a familiar one. 'At nightfall,' he says, 'I return home and seek my writing-room ; and putting off on its threshold my country clothes, stained with mud and mire, I assume my court dress, and thus suitably attired I enter the ancient halls of men of old, from whom I receive a cordial welcome. Nor am I abashed at talking with them and inquiring the motives of their actions ; and they in their courtesy answer me ; and for four good hours I feel no weariness, and dread not death nor poverty, for my soul is absorbed by them.' It is in that spirit that we should regard our study, and therefore it seems to me that we may fairly rejoice that our Society has found a home in a place of dignity and repose.

The associations of the Inn are appropriate to our pursuit. I will not dwell on them at length ; for they were delightfully discoursed on some four years ago by my predecessor in office, Dr. Prothero, at a reception which the Benchers kindly allowed us to hold in their Hall, and they are recorded in an

excellent History of the Inn by Mr. William Ralph Douthwaite, sometime its Librarian, and in other works, such as that by Herbert on 'The Inns of Court,' and in a recently published book by Mr. Hazlitt. Yet, as some of you had not the pleasure of hearing Dr. Prothero's address, I may observe that this building, which is one of the four Inns of Court, as distinguished from the Inns of Chancery, stands in the old manor of Portpool, held about 1300 by the noble house of Grey of Wilton. The date at which it became the habitation of an organised legal society is uncertain. The inn or residence of the Lords Grey was certainly demised in 1370 at a fee farm rent of 100*s.*, and it may have been inhabited by barristers and students of law about that date. It seems to have been the home of a legal society before 1454; for in that year William Paston writes of a man who had been 'a fellow of Grays Inn.'

I must pass by the names of many eminent judges who studied here, of many great nobles who have been admitted of the Society, of poets and other men of letters who have lodged within its gates, and will mention only two or three of its members as having a special claim on the remembrance of historical students. Here Francis Bacon, Lord Verulam, as he himself records, 'lived and had his proceeding,' as his father Sir Nicholas, the Keeper of the Great Seal, had lived before him, and here he appears to have been staying after his disgrace, when he was writing his 'Life of Henry VII.' in 1623. There is, as Mr. Douthwaite has pointed out, good reason to believe that he who wrote so lovingly of gardens, 'speaking of those indeed which are prince-like,' was personally concerned in the planting out of the garden of this Inn, and we know that he paced its alleys in company with Sir Walter Raleigh, listening with statesmanlike disapproval to the rash schemes that floated through the brain of that noble and reckless adventurer shortly before his last and disastrous voyage. Here, too, at an earlier date studied Edward Hall, Common Serjeant of the City, whose chronicle is of the highest importance for his own time, the reign of

Henry VIII.; for it records the sentiments of the writer's associates and the gossip of the streets. It is a picturesque book, for Hall loved the blare of trumpets, the voice of a multitude, and all manner of pageantry.

Other names connected with the Inn are of interest to students of history, as those of William Camden, the antiquary and the historian of Elizabeth's reign, and Sir William Dugdale, the writer of the 'Monasticon' and the 'Baronage.' They were, however, only members of it by adoption, for neither of them was admitted until he had become a King of Arms; the Inn being closely connected by such admissions during the sixteenth and seventeenth centuries with the Heralds' College, the head of which, Garter Principal King of Arms, we have lately welcomed as one of our new Fellows. The list of the preachers of the Society contains one name of note for us, that of Dr. Wake, appointed Archbishop of Canterbury in 1716, the author of 'The State of the Church,' one of a group of scholars of whom Bishop Stubbs says that 'for constitutional purposes the dust of their writings is gold.' Lastly, to come to recent times, it is interesting to remember that in South Square, and in chambers that were next to our own, but have since been demolished, resided the brilliant Whig historian Thomas Babington Macaulay, then a young member of Parliament and a leading contributor to the 'Edinburgh Review.'

Last year I told you that one of the chief reasons of your Council's desire to obtain permanent and more commodious quarters was that we might increase our library. Now that the move has been accomplished do not let us forget this object. Every scientific society ought to have all the best books on its science, and, if possible, on the branches of knowledge which are necessary aids to it, such as in our case the 'Dictionary of National Biography,' a work of inestimable value to historians—is it too much to hope that it will some day adorn our shelves?—and books on political philosophy, economic progress, the development of architecture and the other arts, and all subjects subsidiary to historical learning.

We now have a room in which Fellows of the Society can work in comfort. Our books may be borrowed by any Fellow, provided that he will first show those that he wants to take away to the Librarian, that the loan may be recorded, and will promise to return them when they are wanted. Unfortunately, however, with the exception of our excellent collection of the publications of kindred societies in other countries, our library is not yet well furnished with books. We lack several standard works that ought to be in every historical library, many books of reference such as Dugdale's 'Monasticon' and Rymer's 'Fœdera,' and great collections and series of authorities such as the 'Rerum Germanicarum Scriptores' of Pertz, the 'Recueil des Historiens' of the Benedictines, the publications of the Société de l'Histoire de France, Muratori's 'Rerum Italicarum Scriptores,' and the 'Fonti per la Storia d' Italia,' now in progress.

An improvement however has begun. Last spring your Council made an application to his Majesty's Stationery Office, which was answered by a gift of a large number of the 'Chronicles and Memorials of Great Britain' and the admirable series of Reports of the Historical MSS. Commission. Since our move we have received another most welcome gift. Dr. Prothero has presented our Society with as many as fifty-four volumes, all of them books that we ought to have in our library, and has offered the Library Committee a further large donation. You will, I am sure, allow me to express to him the gratitude which we must all feel for his liberality. One or two other members of the Council have also made smaller though acceptable donations. Will not the Fellows of the Society at large—such of them as have it in their power—help on the work so happily begun? Any gift in money sent to the Library Committee will be thankfully received and judiciously spent, and any books of real historical value will be welcomed.

Some of our Fellows doubtless have historical works that they do not want, either duplicates or books on some subject in which they are not personally interested, and they should

ask whether our Library Committee would like to have them. Some, perhaps, have review copies ; and without entering on the merits of a dispute of which we must all be heartily sick, I may point out that, in the case of a book of permanent value, a reviewer would do better to offer it to a scientific society than to sell it for a trifling sum to a second-hand bookseller before it has had its fair chance in the market. Some of us, too, write books, and an author ought surely to be proud if he can secure for his productions a place on the shelves of our Society. For obvious reasons, however, I must on behalf of the Council beg that before a book is sent to us, our Assistant Secretary may be asked whether it is in our power to accept it ; she will refer the question to the Library Committee at their next meeting, and they will communicate with the intending donor. In all books given to the Society, and accepted by them, a printed slip will be inserted recording the donor's name.

Since our last anniversary meeting thirty-eight new Fellows have been elected. We have, however, lost eighteen subscribing Fellows by death, twelve have resigned, and the names of five have been removed from our roll for non-payment of their subscriptions, leaving a net increase of three, while the number of subscribing libraries has been increased by four. Three corresponding Fellows have also died during the year. Our advance in the number of subscribing Fellows is slower than we could wish. It is true that we do not want mere numbers ; that applications from those who seek to belong to us with no better claim than a willingness to pay a subscription in order to affix certain letters to their otherwise undistinguished names meet with no favour from the Council ; that election is not a mere form, and that the claims of every candidate are carefully examined. To have produced some good bit of historical work, even though it may be of small volume, constitutes the strongest claim for election ; and I am happy to say that among our newly elected Fellows are some who have already made valuable contributions towards the advancement of our study.

But we cannot all be writers of books or editors of State Papers, and the Council welcome every candidate who gives us reason to believe that he has a serious interest in History. Yet allowing for the fact that our elections do not represent the number of those who apply for admission, I still find cause for regret that our Society is not more numerous. Many who if they joined us might be a help to us in other ways besides their subscriptions—though, as our Treasurer knows, we have need of guineas—and many to whom, I believe, admission to our Society would be a source of profit and pleasure, still remain outside it. Individual influence is the best means that can be used for increasing our number, and I hope that the Fellows generally, including the Council, will try to do more for us in this respect.

The past year has brought us some heavy losses through death. Of these I will remind you of four which have deprived not us alone, but all historical students, of bright examples and trustworthy guides, and I will speak of these losses in the order in which they occurred.

On June 29 last died M. Albert Sorel, for many years a Corresponding Fellow of this Society, and one of the greatest historians of our time. As an historian he had the advantage of some practical acquaintance with politics, for he was engaged in diplomatic work before his appointment to a professorship in the Ecole Libre des Sciences Politiques. In 1889 he succeeded Fustel de Coulanges in the Academy of Moral and Political Sciences, and in 1893 was elected a member of the Academy in succession to Taine. Though he wrote several admirable treatises, such as 'La Question d'Orient au dix-huitième Siècle,' the work by which he is best known is the eight volumes of 'L'Europe et la Révolution Française,' completed in 1904. In spite of the many books of high authority previously published on the French Revolution, he threw much fresh light on its origin and progress, and on the relations between France and this and other countries, both during the revolutionary era and its completion in Napoleonic imperialism.

Apart from the direct instruction conveyed by this splendid book, it has a special value as a model of historical composition. It is written on a carefully devised plan, and preserves throughout a perfect balance of treatment. The selection of facts is evidence of the system on which the author worked. He must have made himself master of a vast amount of material which he did not use directly; but he used it all indirectly, for he extracted from it the meaning and correlation of events. Having done this, he selected the facts which illustrated his theories most forcibly, which were, as I may call them, the necessary component parts of the picture he had conceived and intended to paint, and rejected the rest, all that would not add to the completeness and effect of his work. Hence his presentment of a difficult and apparently confused subject is singularly clear and well ordered. And he treated history as literature, writing it, as became a member of the Academy, in a style at once simple and dignified. Lastly, his work is of peculiar importance as exhibiting how much is to be gained by a thorough study of diplomatic correspondence.

The death of Miss Bateson, after a short illness, in November, is an event which comes closely home to many of us, and above all to Cambridge historians and students, whether men or women. She was a Fellow of our Society, took a lively interest in its welfare, and forwarded its work; for she edited one of our publications, 'The Duke of Newcastle's Narrative relating chiefly to the year 1765,' and she read us a highly interesting paper on the 'Origin and Early History of Double Monasteries,' which is printed in our volume of 'Transactions' for 1899. The range of her historical knowledge was wide, and its character was not the less scholarly. She loved research, for which she had thoroughly qualified herself, and had a keen joy in discovery. Mediaeval history seems to have attracted her most strongly, and after obtaining a first class in the Historical Tripos, she began under Creighton's influence to study English monasticism, and made preparations for a book on that subject. But, inspired by the work of Professor Maitland, she turned from it to the origins

of municipal institutions, and her 'Records of Leicester,' a work distinguished alike by clearness of thought and orderly arrangement, corrected more than one generally accepted theory as to the development of English towns, and marks a distinct advance in that branch of historical investigation. Pursuing her researches and occasionally giving us some valuable fruits of her labour, she finally produced her greatest achievement, the two volumes on 'Borough Customs,' edited for the Selden Society: a digest of a mass of previously uncollected materials, illuminated by Introductions worthy to rank with the ablest contributions to the publications of the learned society for which she wrote. While she devoted herself chiefly to the elucidation of more or less recondite matters, her volume on 'Mediaeval England' will delight unlearned as well as learned readers by its vivid and original sketch of society during the three centuries which followed the Norman conquest.

Her death was quickly followed by the death of him whom she regarded as her master. In Professor Maitland, one of our Honorary Vice-Presidents, English historical learning lost its greatest living ornament. He was one of the small number of scholars who, by their discovery of hidden truths, have invested the past with new aspects. In spite of continuous ill-health, his industry in research was unfailing, and he was endowed with a faculty of perception before which, as he read, dark places became light. He dealt with every question that he attacked with an intellect wholly unfettered by authority; received doctrines, even though supported by great names, had no weight with him; he investigated the sources of knowledge for himself, examining them only with his own eyes and not through other men's glasses; and as he studied the records or other traces of ancient customs, their origin, nature, and bearing on later stages of social progress revealed themselves to him out of the mist of obscure evidence. His clearness of sight was largely due to a power of imagination, without which conclusions derived from written authorities are apt to be false. Maitland brought to

the interpretation of his authorities a habit of considering legal and social institutions in their relation to persons, as originating in and dependent on human requirements, and he was thus able to see clearly what his sources could not mean, what they might, and often what they must mean. There are few subjects to my mind so dreary as the history of institutions when treated as antiquarian curiosities ; few so pleasant or fruitful when treated, as Maitland treated them, as affecting the lives and fortunes of men. Apart from his literary faculty, it is this which makes his books delightful.

Take, for example, his lectures on 'Township and Borough.' How little interest seems inherent in a demonstration of the difference between communal and corporate ownership as illustrated by municipal history! Yet Maitland makes his subject fascinating by treating each stage in the development of a town—he takes Cambridge as an example of a class—in relation to the lives and thoughts of its inhabitants—from the villagers working on their acre strips, or driving their beasts to the common pasture, to the corporation of the eighteenth century, regarding the property of the corporation as the property of the corporators. So, too, in his 'Essays on the Canon Law in England,' a most delightful book, the human element is strong. Yet both books are monuments of scholarship : the one propounding a consistent and, indeed, convincing doctrine as to the origin and development of a large class of towns, supported and illustrated by a mass of evidence; the other subversive of the Anglican theory respecting the papal authority in England. All that Maitland wrote is brightened by humour ; and his wide and profound learning comes to us adorned by a literary style which reflects the character of his mind in its directness, in its virile force, and in its mobility, changing, as it often does, from grave or eloquent diction to the language of familiar conversation. My tribute to his memory is feeble and incomplete, not merely from my insufficiency for such a subject, but from my desire not to repeat what was well said to us at our last meeting by those best qualified to speak of him.

Lastly, less than a fortnight ago, died one of our Vice-Presidents, Professor Pelham, President of Trinity College, Oxford, the foremost English authority of his day on Roman history. Full of business as he was at Oxford, especially in term time, he was good enough to come to town and read us a paper last March. Those of you who heard him—and I am glad to remember that he had a large and appreciative audience—will not forget the vigour with which he handled his subject, the mastery of Roman constitutional and military history which he displayed, his skill as a lecturer, or the charm of his manner. His paper is printed in our 'Transactions' of last year, and it invests the volume with peculiar importance, for it will be consulted by scholars as an authoritative treatise. He published little: only, I think, one book, an excellent manual of Roman history, and some few papers, such as that which he gave us on 'The Roman Frontier beyond the Rhine,' papers on the 'Principate,' on 'The Legateship of the historian Arrian in Cappadocia,' and such like subjects. This was partly due to the extent to which he devoted his time to teaching and to administrative work at Oxford, and still more to the defect in his eyesight, an affliction specially grievous to one so deeply interested in ancient art, and though keenly felt, borne with exemplary fortitude and even cheerfulness. In spite of this trouble he was a great teacher, ever acquiring knowledge and imparting it with freshness and vigour. Every man who gained distinction in the school of *Literae Humaniores*, the 'Greats school,' at Oxford attended his lectures; and his teaching and influence were, I think, powerful factors in a change in the character of the school in which the history, literature, and art of the ancient world have to a large extent taken the pre-eminence once held by philosophy. This is not the place to speak at length on what the University has lost by his death; it is enough to say that there are few whom Oxford could so ill have spared, for his influence, which was great, was always exercised in the interests of sound learning and research. Yet, as a member of the college over which he presided for

nine years, I cannot forbear saying that no man could have ruled such a society more wisely, more diligently, or with better results. His place there will not easily be filled, nor will his memory quickly fade from the hearts of Trinity men. It is happily seldom that four such losses as these have to be recorded at one of our anniversary meetings.

Two institutions are so closely connected with our Society that you must wish to have news of them. We have in our corporate capacity shown our interest in the Fund for providing Advanced Historical Teaching in London, and some of our Fellows subscribe to it. Though the Fund is lamentably small, its usefulness has proved to be great. It provides two lecturers—Mr. Hall, our Director, and Mr. Unwin—who carry on their work in combination with that of the London School of Economics and Political Science. Besides his course on the equipment of the historical student, Mr. Hall holds a weekly *Seminar* on palaeography, diplomatic, and historical criticism, which is well attended by graduates; and further gives many extra lectures in order to strengthen the interest of his pupils. Mr. Unwin is delivering a course of thirty lectures on the history of Mediaeval London; the subject is happily chosen, and his lectures have proved attractive. We may expect to see some good results hereafter in the 'Victoria County History.'

A new and important movement was started last year for improving the teaching of History in schools, and for urging the interests of the study on authorities which exercise control over the education of the young, with special reference to securing for it its rightful place in the time-tables of schools and in public examinations. The idea of a combination for these ends was first ventilated by Miss Howard and Miss Reid, and Miss Howard took the opportunity of advocating it in a paper which she read at a Conference of London County Council Teachers in the January of last year. The result has been the formation of the Historical Association. This new body owes much to its President, Mr. Firth, the

Regius Professor of Modern History at Oxford, and one of our own Vice-Presidents, and much also to the energy and experience in teaching of Mr. Pollard, the Professor of Constitutional History in University College ; and others of your Council hold office in it. Already it numbers about five hundred members ; branches are established in many of the more important towns of England, and are in course of formation in the British Colonies and the United States. Our Assistant Secretary, Miss Curran, who is engaged to work for us only during certain hours of each day, has accepted the post of Secretary of the Association, and fulfils its duties in the time which our Society leaves at her own disposal. The Association has begun its work by issuing to its members three leaflets : one on books relating to the teaching of History in schools, another on historical examinations affecting schools, and a third on what it calls 'Source-books.' Other leaflets of a like kind are projected, and it is hoped that before long the Association may be able to issue a magazine. The first anniversary meeting, was held on the 8th of this month ; it was a successful gathering, and was rendered specially interesting by an address from Mr. Bryce, who, as one of our Honorary Vice-Presidents, as well as for other reasons, has our best wishes for his success and welfare in his new and important office.

The work which the Association has undertaken will be of the highest value. Great as the advance has been in text-books for school use during the last forty years, the very multiplicity of them makes a choice between them difficult, and some guidance as to the kind of book best suited to children of different ages will be helpful. A teacher of history, however, must not be dependent on text-books. In a greater degree perhaps than any other subject, history can only be taught efficiently by those who have some mastery of it, and by the mind of the teacher acting on the minds of his pupils ; for the knowledge of bare facts is of little use, a child must learn to inquire and think about how they are connected and what they mean. He must have

a good teacher as well as a good text-book; and though the faculty of teaching comes, I think, as Dogberry said of reading and writing, 'of nature,' yet it may be drawn out and improved by such advice as regards methods as the Association is prepared to give. By helping teachers of history to reach a higher standard, the Association will gradually lead those responsible for the conduct of schools to abandon the wretched practices still adhered to by some of them of committing history to the least capable of their assistants, and allotting insufficient time to the study of it. And it will further endeavour by direct means to induce certain influential examining Boards to give due weight to evidences of historical knowledge.

Your Council heartily welcomed this well-desired effort to promote the interests of our study, and Professor Firth having represented to them that the Association greatly needed a room in which its secretarial work could be done, and its books and papers kept, they resolved on October 18 to allow Miss Curran to do the work of Secretary to the Association in the Society's rooms, and to keep its books and papers there for one year, provided that the rooms be not used for the purposes of the Association during the hours that they are open for the use of the Fellows of the Society.

Our own ordinary work has gone on satisfactorily. Our Treasurer can give a cheerful report of our financial position. His energy and good management are rapidly reducing the somewhat serious floating debt which existed when he took office, and there is every reason to believe that he will soon be able to carry out his plan of paying for each year's publications out of the year's income. The expenses entailed by our move have been paid out of a deposit account; they were of course heavy, but the money has been judiciously spent, and will, I hope, in time be replaced, as it is advisable for us to keep up a fund for emergencies. Besides the volume of 'Transactions' for 1906, which our Literary Director was able to prepare with more than usual prompti-

tude, we have issued under his supervision two more volumes of the Camden series, the second volume of Dr. Gasquet's 'Collectanea Premonstratensia,' and the 'Papers of the Eastland Company,' edited by Miss Sellers; both with valuable introductions and both important, the one for the history of English monasticism, the other for the economic history of England.

The average attendance at our meetings has increased, and some excellent papers have been obtained for us by our Director. At the same time the Council would like to see more Fellows at our meetings, both because larger audiences would imply an increase of the Society's usefulness, and because they would be the best acknowledgment of the kindness of those who favour us with papers. For both these reasons, too, we hope that papers will, so far as is possible, be followed by discussion. It is certainly not always easy to say anything worth hearing on a matter which has received such adequate treatment as our readers generally accord to their subjects. Sometimes, indeed, it is impossible; but in many cases I would venture to suggest that those who have time might, with profit to themselves, read up the subject of a promised paper beforehand, and then they would perhaps find something to say which would profit us, or at least evoke a reply that would be interesting. During the past year we have done fairly well in this respect, though discussion is too often left at each meeting to the same two or three Fellows. In the future our Director will, in accordance with a resolution of the Council, give some account in our 'Transactions' of any discussion at our meetings which he considers worth recording.

In conclusion I beg to thank the Officers of the Society for the efficient help and wise counsel that they have afforded me during the year, and the Fellows generally for their kind support, and to express my hope that our Society will each year increase not only in number, but in energy and usefulness.

ON A CONTEMPORARY DRAWING OF THE BURNING OF BRIGHTON IN THE TIME OF HENRY VIII

By JAMES GAIRDNER, LL.D., C.B., *Vice-President.*

Read November 15, 1906

THERE are two different dates in the reign of Henry VIII. at which historians relate, on the authority of early chronicles, that the French landed at Brighton, then called Brighthampstead or Brighthelmstone, and burned the town. The first was in the spring of 1514, the sixth year of the reign, and the second was in July 1545, the thirty-seventh year of the reign. The contemporary picture-map,[1] of which a copy stands before you, would seem, by an inscription upon it, to be a representation of the latter event. But the inscription, I may say at once, does not appear to be in a handwriting quite of Henry VIII.'s time, and it is one object of this paper to show that the conflagration depicted is the one of 1514. Further, I may say that it appears to me very questionable whether the burning in 1545 was an actual fact at all.

It may seem, indeed, a strong thing to dispute the reality of an event recorded in no less than three early chronicles, all of Tudor date. But there are some difficulties in connection with it, and the very first thing that raised my suspicions was the fact that, having just passed through the press the 'Letters and Papers' of Henry VIII.'s reign for the first part of the year 1545, including those to the end

[1] The original is in the Cottonian Library, Augustus I. vol. i. No. 18.

of July, I found not the smallest reference in them to an occurrence so momentous. This of itself, though only negative evidence, seemed rather to shake the authority of the chroniclers; for the correspondence of the time, especially including the official documents, is very considerable and contains numerous references to events much less important. For instance, from the minutes of the Privy Council, which held twenty-seven sittings during the month, all recorded in this volume of 'Letters and Papers,' it appears that on July 21 information had reached Portsmouth that the French had sounded the haven of Chichester.[1] There are also no less than four letters about a landing of the French at Seaford which caused undoubtedly a momentary alarm, but even as an alarm was not so serious as the recorded landing at Brighton—certainly nothing like it, if they succeeded in burning the place in the very thorough manner that you see depicted here. But I must observe that not one of the three chronicles which mention this burning, or attempted burning, in 1545, indicates that it was effected so completely. In fact all three, in words so nearly the same that it is evident they copied one another, say that the French Admiral

> set certain of his soldiers on land to burn and spoil the country. But the beacons were fired and the inhabitants thereabouts came down so thick that the Frenchmen were driven to fly with loss of divers of their numbers; *so that they did little hurt there.*

From these words, even admitting that the landing at Brighton in 1545 was a fact, we must surely presume that the destruction done by the invaders was not at all so considerable as that here so vividly shown. And therefore this itself is a strong reason for believing that the drawing before us was not intended to represent the supposed burning in 1545.

Further evidence to this effect accumulates as we look into the matter. In the first place, to an expert in the handwritings of the period, I think it will be tolerably apparent that the inscriptions on the drawing, exclusive of

[1] *Letters and Papers*, vol. xx. pt. i. No. 1235.

that which assigns a date to it, are all of them in a kind of official hand which was common at the beginning of Henry VIII.'s reign, but not at the end. There is a rugged and leisurely character in the official handwritings of the reign of Henry VII. and early in that of Henry VIII. which was the result of times comparatively quiet and peaceful. Altogether different were the official hands at the end of the reign, when there was so much to do—so many clerks employed, so great a revolution in property, involving such a quantity of legal business, and so much anxiety about the protection of the kingdom. We can tell almost at a glance in many cases even by the handwriting whether a document looks more like the beginning or the end of the reign. But not to leave you to the testimony of specialists in this matter, let me refer you to what is written in some of the inscriptions themselves. In one we read: 'Uppon this west parte may lond CM[1] [100,000] persones unletted by any provision.' Again, below the ships is written: 'These grete shippes rydeng hard aborde shore by shoting into the hille and valeis over the towne so sore oppresse the towne that the countrey dare not adventure to reskue it.'

This last inscription surely points to a very different—indeed opposite—state of matters to that recorded in the chronicles, where it is said that the enemy were soon driven off and had been able to do very little damage. Nor does the first inscription look much more like it, seeing that it expresses great fear of a formidable landing, as the coast was quite unprotected. All this agrees well with a time when the nation, long unaccustomed to serious warfare, had not taken sufficient heed to its defences; and this pictorial map itself was elaborately drawn up after one successful landing of the enemy, clearly to show the necessity of something being done to defend the Sussex coast at this point against further attacks.

Now let us turn to the only contemporary account of the burning of Brighton in 1514, which was an exploit of the French Admiral Prégent, commonly called by the English

Prior John. This is what we are told of it by the chronicler Hall:

About this time, the warres yet contynewynge betwene England and Fraunce, Prior Jhon, . . . great capitayne of the Frenche navy, with his galeys and foystes, charged with greate basylyskes and other greate artilery, came on the border of Sussex, and came a-land in the night at a poore village in Sussex called Bright Helmston, and, or the watch coulde him escrye, he sett fyer on the towne and toke suche poore goodes as he founde. Then the watche fyred the bekyns, and people began to gather; which seynge, Prior Jhon sowned his trompett to call his men aborde; and by that time it was day. Then vi. archers whiche kept the watche folowed Prior Jhon to the sea and shott so fast that they bett the galymen from the shore, and Prior Jhon hymselfe waded to his foyst, and th'Englishemen went into the water after, but they were put back with pickes, or els they had entered the foyst; but they shott so fast that they wounded many in the foyst, and Prior Jhon was shott in the face with an arrow, and was like to have dyed. And therefore he offered his image of wax before Our Lady at Bolleyn with the English arrow in the face for a myracle.

Brighton was no doubt 'a poor village' then; so at least we moderns might have called it. But I am not sure that it was really considered so in that day when towns and villages were on a much more moderate scale than they are now. Evidently the chronicler is minimising the affair as much as possible. Of the actual size of the place we can form a pretty good estimate from the picture map before us. The town, it will be seen, consisted of three sides of a hollow square, the unbuilt side being that towards the sea. Within this hollow square are three other rows of houses extending from the sea northwards. There are also a few houses apart from all the rest, down upon the beach. These were the houses of the mariners, those above were occupied by tenants of the manor.[1] Between two of the rows is indicated 'a felde in the middle of the town.' Altogether the houses, if we may depend upon the minute accuracy with which each is individually drawn, seem to number exactly ninety-six, and

[1] Erredge's *History of Brighthelmstone*, p. 17.

the population may have been about 600. But as to the number of houses, I think it is only safe to say that they could hardly have been fewer.[1]

It is to be regretted that while much artistic care has been bestowed upon the French ships and galleys, and even upon the town, the country round about is very roughly depicted. But the town itself and its surroundings are very interesting. So well are they delineated that we could really define the limits of the ancient town upon a modern map with very great precision. For one thing, we have the old parish church of St. Nicholas, apparently just where it is at present, only it is outside the early sixteenth century town. Then, not very far from the houses in each case, we have a valley with a thoroughfare through it on the East side of the town and a similar valley with a thoroughfare through it on the West side. Through each of these valleys men are coming down to the rescue, as the town beacon has been lighted on the hill, the warning for this having been given, apparently by the 'fire cage' near the sea. The valley on the East side bears the inscription 'The Valey commyng from Lewes town to Brithampston.' This is still the Lewes Road of modern times, the lower part of which is now the Grand Parade and ends at the Old Steine. The valley on the West likewise bears an inscription :—'The Valey commyng from Ponynges betwixt Brithampston and the vilage of Hove.' And just at the bottom of this valley is the inscription already quoted, which says that 100,000 men could easily land there unopposed.

Then we have Hove village and church to the left, and between them and Brighton this valley road from Poynings, which appears, above the town, to rise to a higher level in a thoroughfare much the same as what is now called the Dyke Road. To the right of this road, on the hills, a little below

[1] Our Secretary Mr. Malden has called my attention to a statement by Lower that Lewes priory had a cell at Brighton which was burnt by the French in 1513 (1514 really), 6 Hen. VIII. (see *History of Sussex*, i. 78, 79). One of the houses on fire on the beach looks not unlike a chapel or church without a spire.

the town beacon, are two windmills at a little distance from each other, apparently in positions not unlike those of two windmills which actually existed on the Dyke Road during the last century. I must own, however, that my inquiries on this subject hardly favour the supposition that even the sites are identical, while the fabrics assuredly were not. But as regards Hove church and village I must say that our map is very misleading, for the two parish churches of Hove and Brighton seem here to be scarcely further from each other than either of them is from the sea. Now the sea has certainly made great inroads on the land in this quarter; but we cannot suppose that either of these churches was ever a mile distant from it, and they are not represented here as if they were a mile distant from each other. Yet the old parish church of Brighton (that of St. Nicholas) and the old parish church of Hove, now called St. Andrew's, are nearly a mile and a quarter from each other. The latter, indeed, is but the restored fragment of an older and larger church which was half in ruins in the year 1792, when an engraving of it was given in the 'Gentleman's Magazine.' Hove and Brighton itself were at that time much decayed by the encroachment of the sea; and the days of Brighton's old prosperity seemed to have long departed when George IV., as Prince Regent, found out its value as a health resort.

So much for what we see in the map; but I must further say a word or two about what we *don't* see in it. There is no appearance here of a harbour. But a harbour Brighton certainly had in Henry VIII.'s time; for Brithelmston is mentioned by Andrew Borde, a contemporary writer, among 'the havens of England.'[1] How are we to explain this? A very sufficient explanation, of course, would be that the harbour was made later in the reign than the event here depicted; and though I have no positive evidence when it was made, there is a good deal of negative evidence which points to this conclusion. For in all the State Papers of Henry VIII., now so thoroughly indexed, almost to the last

[1] In his Peregrination at the end of Hearne's *Benedictus Abbas*, p. 776.

year of the reign, I find no reference to any ships of Brighton before the year 1544. In that year we meet with an indenture made on August 13, 36 Hen. VIII., witnessing the receipt by Robert Baker, master of a crayer of 40 tons, which is named in the margin of the document the *Trynytè* of Brighthelmston, of large quantities of iron shot to be conveyed from the Tower of London to the siege of Boulogne.[1] Brighton, then, must have had a harbour large enough for a crayer of 40 tons in the year 1544; and if so, it is perfectly certain that the picture-map before us does not represent the state of matters in 1545. In 1514, when the town was burnt by Prégent, it may very well have been without a harbour. The maritime population were only fishermen with row-boats. The place itself was a member of the port of Shoreham, and it was to Shoreham harbour that the fishermen, if, overtaken by rough weather, they could not land on the beach, would endeavour to make their way.

From the end of Henry VIII.'s reign, in fact, the maritime importance of Brighton was distinctly on the rise. In 1546, the year after the false date inscribed on this map, we find men of Brighton charged with piracy, and again in 1550.[2] In 1558 a small piece of land was given to the town for the erection of a blockhouse for its defence;[3] and in 1565 'Brighthelpston' is named in an official list of the seaports of England in which commissioners for the different maritime counties and districts are instructed to take measures for the suppression of piracy.[4] So it is quite clear that Brighton had ships and commerce and illegitimate rovers of the sea pretty early in the reign of Queen Elizabeth, and even before the reign of her father was quite ended.

As to the position of the harbour when it was made I think there can be little doubt. Through the valley of the Lewes Road—then a mere pathway—came doubtless in winter a muddy stream, which was very likely dry in summer.

[1] *Letters and Papers*, Hen. VIII. vol. xix. pt. ii. No. 82.
[2] Dasent's *Acts of Privy Council*, i. 484; ii. 98.
[3] Erredge's *History of Brighthelmstone*, p. 63. [4] Dasent, vii. 287.

This stream, according to the well-known Sussex antiquary, the late Mark Anthony Lower, had its source in a well at Patcham, some three miles north of Brighton, and was known as the Wellesbourne. It came down through Preston into Brighton by the side of the old London Road, which joins the Lewes Road just below St. Peter's Church. It is no longer a stream, except when the well overflows, and its lower course is now enclosed in a drain. Yet the name Pool Valley, just below the Steine, still indicates that it once formed a pool there, and a drawing of the Pavilion of George IV. is mentioned by Lower as showing quite a pool across the Steine itself. If such was the state of matters then, when much had already been done to drain off the moisture, we really have no difficulty in imagining that three hundred years earlier the mouth of a tiny winter torrent required but little assistance from art to convert it into a small but very tolerable harbour. It is true, the very site of that harbour has probably been washed away by the sea long since, during those continual encroachments of which we have spoken.

And now, having discussed the undoubted attack on Brighton in 1514, let us see what is to be said about the supposed attack in 1545. I have already used in quotation a line or two about this from Holinshed, one of three chroniclers who, as I have observed, report the incident in very nearly the same words. But I must now quote a little more fully, and refer to one minute point of difference. Holinshed's words are as follows :

> After this, the eighteenth of July, the Admiral of France, Monsieur Danebalte, hoised up sails, and with his whole navy came forth into the seas and arrived on the coast of Sussex before Bright Hamsteed, and set certain of his soldiers on land to burn and spoil the country; but the beacons were fired and the inhabitants thereabouts came down so thick, that the Frenchmen were driven to fly with loss of divers of their numbers ; so that they did little hurt there.

Here a precise date is given, July 18, on which the French Admiral d'Annebault hoisted sail—at least, if we construe

the passage strictly—and came before Brighton, apparently the same day. And one day's sail might, no doubt, have been sufficient. But we may probably allow a little latitude of interpretation; for an English chronicler is not a good authority as to the date on which a French fleet sailed from Havre, which, by letters from abroad, seems rather to have been the 16th, or, according to St. Mauris, the Imperial ambassador in France, who was not far away at Caudebec, the 17th of the month.[1] Very likely it sailed in the night time between the 16th and 17th; and if so, there is not the smallest difficulty in supposing that the squadron appeared before Brighton on the 18th; which, in fact, I am inclined to believe that it did. But that they made a landing there, and either burned or attempted to burn the country, is quite a different matter. For, in the first place, it would seem that their great object was to attack Portsmouth and the Isle of Wight; and it is hardly probable, even *a priori*, that they would waste much time at a place like Brighton. And, secondly, they were actually off the Isle of Wight on the evening of that same 18th, and on the 19th they were in the Solent, when the *Mary Rose* foundered, and they quite believed, though erroneously, that the vessel had been sunk by their fire.

But if Holinshed is right about the exact day of this same landing, or attempted landing and burning at Brighton, it almost looks as if he was right accidentally. For his authority was undoubtedly the MS. Chronicle of Charles Wriothesley, Windsor herald, which was only printed in 1875; and it is perfectly clear that in condensing what Wriothesley says he has really changed the day. These are the words in which the event is noticed by Wriothesley:

The 18th day of July, at 9 of the clock at night, began thunder and lightning with some rain, which continued all night till *the next day* at 8 of the clock in the morning; *and the same day* at afternoon all the French King's navy came out of Newhaven [*i.e.* Havre] and Dieppe, and arrived on the coast of England in Sussex afore Bright-

[1] See *Letters and Papers*, vol. xx. pt. i. Nos. 1247, 1288.

hemsted ; which were in number above 300 ships, besides 24 galleys that they had ; and there they set certain of their soldiers a-land to burn. But the beacons were fired, and the men of the country came down so thick that the Frenchmen fled and did little hurt.

July 18 is the day given by Holinshed at the beginning of a paragraph as that on which the French Admiral hoisted sail, came before Brighton, and set men ashore to burn the country; and July 18 is the date given here at the commencement of a paragraph recording the same event in almost the very same words. But Holinshed has omitted all about the thunder-storm which continued all night till *the next day* at 8 in the morning ; after which comes the statement that the French fleet arrived 'the same day' at afternoon. 'The same day' here ought therefore to mean 'the next day' after the 18th, that is to say the 19th; and so the careful Stow has understood it, who records in his Chronicle : 'On the 19th of July the French King's navy,' and so forth, repeating almost the very words of Wriothesley. But July 19 it really could not have been, for we are told that it was in the afternoon when the whole fleet came before Brighton ; and we know positively that on the morning of the 19th the fleet was in the Solent, and that the King, disturbed by the appearance of the enemy while he was at dinner on board his flagship, suddenly disembarked. Wriothesley, in fact, seems to be a day out in his chronology ; for the loss of the *Mary Rose* on the evening of that same July 19 (which was a Sunday) is dated by him the 20th.

Thus it would seem we cannot trust this chronicler to an exact day ; but I think it may very well be, as Holinshed made out, that the French fleet really appeared before Brighton on the 18th. Issuing from the mouth of the Seine on the 16th, it probably coasted along Normandy to Dieppe, where it was joined by some further vessels before crossing the Channel, and so it would naturally pass Brighton when making for the Isle of Wight and Portsmouth. But we are further told that they landed some men to burn the place. This, as I have said, seems to me rather doubtful, as their great object

was Portsmouth, about fifty miles further on. Not a word appears to that effect in any contemporary letters; and, what is more, not a word is said about it in Du Bellay's 'Mémoires,' which give such a particular account of the naval operations on the French side. Let me give you an exact translation of what Du Bellay says about the expedition here:

On the 6th July [but this is certainly a mistake or misreading for the 16th—'sixiesme' for 'seiziesme'] the King [Francis I.] caused his fleet to make sail; which was assembled at Havre de Grâce, and he to see it sail was on the Chef de Caux, from which he had a full view of everything. But the *Carraquon*,[1] the finest and best sailing vessel of the Mediterranean squadron, of 800 tons burden, in which the Admiral was to go for the fight, took fire in the kitchen, so that it was impossible to save her, and she was burnt to ashes. She had in her 100 great pieces of artillery of bronze, and also the King's money, which was saved. Several of the men, to avoid the fury of the flames, threw themselves into the sea, and the galleys saved some of them; but as the seat of the fire was so low they were obliged to keep off, for the fire took the artillery, and the explosion of such a great number of pieces sank everything in front, behind, and at the sides. The number of ships appointed for the squadron amounted to 150 large round vessels, without counting 60 *flouins* (light vessels) and 25 galleys, which all together weighed anchor on the said 6th [16th] day of July, alike from Havre de Grâce, from la Fosse d'Eüre, Honfleur, Harfleur and Dieppe, and took sail for the Isle of Wight and the harbour of Portsmouth in England; in which place of Portsmouth the King of England's naval forces were assembled, which our fleet was seeking to engage.

On the 18th day of the said month of July 1545, the Admiral having arrived off the Isle of Wight sent the Baron de la Garde with four galleys, both to reconnoitre the island as far as St. Helen's Point and to descry the appearance of the enemy. This point is where one enters the Channel separating the Isle of Wight from England opposite Portsmouth. The enemy's fleet consisted of 60 choice ships very well appointed for war.

The writer then goes on to describe how, the Admiral proposing to engage this fleet, another squadron issued from

[1] This burning of the *Carraquon*, or Great Carrack, is stated to have taken place on the 15th, and the sailing of the fleet on the 17th, in a letter written by St. Mauris to Covos on the 27th. Hume's *Calendar of State Papers, England and Spain*, vol. viii. pp. 197–8.

the harbour against them, and there was a good deal of firing till the English withdrew under some rocks crowned by fortresses, and night coming on put an end to hostilities for that day. Not a word, you see, is said of any landing of the French before they came near the Isle of Wight. But it is quite possible that though it was afternoon when they appeared off Brighton, they might with a favourable breeze have reached the Isle of Wight an hour or two before nightfall. Next morning, the 19th, was a dead calm ; the English ships could not move and were exposed to the French artillery, while the French galleys rowed about and harassed them, avoiding danger themselves. Then the *Mary Rose* went down, sunk, as Du Bellay erroneously believed, by the French firing.

During the next three days, as reported by Van der Delft in one of his despatches to the Emperor, there was constant artillery firing. The French landed in the Isle of Wight in different places, but ultimately met with a disaster. They also tried hard to get near Portsmouth harbour, but soundings taken in the night confirmed the previous reports of pilots that the navigable channel by which it was approached was so narrow that access to it was quite impracticable. A council of war was called as to the possibility of holding and fortifying the Isle of Wight, but this idea also had to be given up. On the 25th the Council with the King at Portsmouth were assured that the French fleet had departed Eastwards. They had sailed in the morning with a favourable breeze, and reached a place which Du Bellay calls 'Valseau,' fourteen leagues from the Isle of Wight, before their galleys could come up to them. And here I may give you another extract from this writer's 'Mémoires,' as the words are rather important :

> This place, being level ground and open, seemed to our men so tempting that a good number took it into their heads to land there quite irregularly in the absence of their colonel ; and having got a little distance from the sea, they set upon an out-of-the-way village where they expected to make booty. But enemies were waiting

them near a deep tidal stream ; who, seeing that some of our men had crossed on planks, suddenly rushed out from a little fort where they had lain hid, and after breaking the bridge to cut off the passage to the rest, attacked those on their side so vigorously as to compel them to save their lives by flight. But on recrossing the stream some were carried away by the current and drowned. Others who could swim battled with the torrent and saved themselves by the favour of their companions on the other side, who protected them by shots of harquebuses.

Now, I do not know what maritime place in Sussex bears a name at all like 'Valseau.' But we can tell positively from letters written at the time that the place at which they actually landed was Seaford—about ten miles East of Brighton—and it is pretty clear that the tidal river was the Ouse. Van der Delft says that they burned five or six cottages, and were driven back to their ships with the loss of a hundred killed and drowned. Alarms had been sent out, even as far as the county of Kent ; but news very soon came that aid from a distance was unnecessary.

It is remarkable that Wriothesley, who is our first authority for the attempt at Brighton, says nothing whatever about this incident at Seaford. And it must be remembered that Wriothesley was a mere Londoner, as were also Holinshed and Stow who took the story from him. Did Wriothesley mix up two different pieces of information and make one event out of two ? It is quite possible that the French fleet came before Brighton on July 18 and alarmed the inhabitants, though they did not land there ; but it is absolutely certain that a week later, on the 25th, they did land at Seaford, with the very result that he records to have taken place at Brighton. They were 'driven to fly with loss of divers of their numbers ; so that they did little hurt there.'

At all events, I think it must be admitted that the alleged landing at Brighton in July 1545 is exceedingly questionable, and that the burning of the town by the enemy at that date can no longer be regarded as a fact.

THE RISE OF GAIUS JULIUS CAESAR, WITH AN ACCOUNT OF HIS EARLY FRIENDS, ENEMIES, AND RIVALS

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Part I

It is assuredly a memorable fact that the beginning of our history, which has been in many ways unmatched, should be closely associated with a personage so deservedly famous and so great as Julius Caesar. These islands were known to the geographers of an earlier age, and had been visited by merchants and other adventurous people, but they were rather the homes of wondrous tales and of romantic legends than treated as parts of the world of which the philosopher or the statesman need take account.

It was reserved for the greatest man of affairs of all time to bring Great Britain within the sphere of observation and interest of the Roman people. It was left for him not only to plant his own masterful foot on our soil, but to be the first to lead his incomparable soldiers across our green hills, and thus let them be seen and felt at first hand by that race whose instinct for self-government and whose success in practical politics have been most completely matched by ourselves.

Julius Caesar in consequence becomes a particularly interesting personage to us Englishmen, and it ought to be a matter of special solicitude to us to learn what manner of man he was and how he became so. I propose in this monograph, in which I have tried to exhaust the materials, to illustrate as clearly as I can the earlier career of this remark-

able personage until the close of his first consulate, a period of singularly dramatic history, about which a good many discussions have taken place in recent years. In doing this it will be necessary to devote more space to his contemporaries and surroundings than is sometimes thought necessary in biographical compositions. The times were so critical, the career was so exceptional, the man himself was so unique, and the controversies that have arisen about his character and doings are so manifold and intricate, that we cannot do justice to him without running the risk of being supposed to devote too much space to the background of the picture.

The *gens* or clan of the Julii belonged to the so-called *gentes minores*, *i.e.* the lesser clans of patrician rank.[1] It came originally from Alba Longa, the reputed mother of Rome. In the beginning of the last century there was found in the theatre of Bovillae, situated on the Appian Way and once a dependence of Alba Longa, an altar made of Alban *peperino*. It was afterwards preserved in the gardens of Prince Colonna, to whom Bovillae belonged. On this altar was inscribed in early letters on one side

VEDIOVEI PATREI
GENTEILES JULIEI

and on the other

LEEGE ALBANA DICATA.[2]

This is the earliest monument extant in which the Julian house is mentioned, and it records the setting up of an altar to the curious pantheistic god Veiovis by the Julian clan in accordance with the Alban rite.

In later times Tiberius restored the Julian sanctuary (*Sacrarium*) at Bovillae in honour of the family, and placed a statue of Augustus in it.[3]

The Julian family, *nobilissima et antiquissima* as V. Paterculus calls it, claimed to descend from Jullus or Ascanius, the

[1] Vell. Pat. iii. 29. Tacitus, *Ann.* xi. 24.

[2] *C.I.L.* i. p. 207, Klausen, *Aeneas und die Penates*, ii. 1084 &c., and plate iv. where the altar is figured.

[3] Tacitus, *Annales*, ii. 41; *Hist.* ii. 95; Sueton. *Aug.* 100.

son of Aeneas, grandson of the goddess Venus and of Anchises,[1] who was said to have founded Alba Longa after the fall of Troy. Hence why the bust of Venus Genetrix occurs on coins of the family and notably on those of Julius Caesar himself, and why his soldiers made her name their rallying cry at the battles of Pharsalus and Munda. Caesar himself dedicated a temple to her with great pomp in 46 B.C. in consequence of a vow made before the former battle.[2] In the days of his supremacy, he distinguished the town of Ilium with special favour as the legendary home of his house. The head of Augustus with that of his ancestor Aeneas also occurs on the coins struck at the same place. According to Dionysius and Livy it was in the reign of Tullus Hostilius that Alba Longa was razed and its inhabitants were transferred to Rome. On this occasion they tell us that *inter alias* the Julian *gens* was admitted to a seat in the Senate, a share in the magistracy, and also to patrician rank.

It is now generally recognised that a great deal of the earlier history of Rome was the product of the family annalists whose function it was to glorify the various aristocratic clans by constructing fictitious pedigrees and endowing their early members with heroic deeds, and that, on the other hand, the greater part of the genuine State archives perished in the Gallic invasion. I cannot avoid the conclusion that most, if not all, of the notices of the Julian family preceding the Punic wars are spurious (see note at the end of the memoir).

The first member of the clan whose personality it is not possible to doubt was Sextus Julius Caesar who in 208 B.C. was sent as praetor to Sicily, and is afterwards found taking part in the struggle with the Carthaginians in Southern Italy, and in the appointment of a dictator on the death of the Consul Marcellus.[3] He was the first of the family whom

[1] Dion. Hal. i. 70; Vell. Pat. ii. 41. Jullus was the original Latin form, and was changed by Virgil into the trisyllabic Julus in conformity with its Greek etymology; Drumann, *Gesch. Rom.* ed. 1906, iii. 107, note 3. It is interesting to note that the father and son of the Macedonian King Antipater were both called Iollos. From Jullus Julius was regularly formed.

[2] See Preller, *Rom. Myth.* 3rd ed. i. 444.

[3] Livy, xxvii. 21, 22 and 29.

the annalists call Caesar. The etymology of the word Caesar, or Caisar, as it is spelt on the coins of another, Sextus (the Dictator's uncle), and as it was pronounced, greatly exercised the ancients, but the generally received opinion was that it was derived from either the Punic or Moorish name for an elephant, casai or caesa,[1] and was probably adopted as a cognomen from some heroic feat performed by the earlier Sextus Caesar in which an elephant had a part. On a coin of the great Dictator we have as a *type parlant*, or punning emblem, an elephant trampling on a dragon, representing himself overcoming Ariovistus. It was from this Sextus Julius Caesar that all the subsequent Cæsars were apparently descended.

I have referred in the note at the end of this memoir to several members of the Caesar family who were distinguished in the first and second century B.C. We are now concerned only with those who were relatives of the great Dictator or connected with his career. Neither of the biographers of Caesar, Suetonius or Plutarch, tells us anything of his male ancestors. Both biographies are mutilated at the beginning, which accounts for the fact. The only record whence we can learn the names of his father and grandfather is the famous list of consuls called the 'Fasti Capitolini' from the fact that its fragments are preserved in the Capitoline museum. Originally the complete list was engraved on marble slabs, and was fastened to the walls of the temple of Castor or the Regia, in the Forum. It was compiled at the end of the reign of Augustus or beginning of that of Tiberius from the recognised official lists from which Dionysius, Livy and Diodorus took their consular data. Its contents differ from the latter lists chiefly in giving in many cases the names of the father and grandfather of the successive consuls.

In the case of the great Dictator he is styled C. Julius Caesar C. f. C. n.[2]

I write the name Gaius rather than Caius because it was so pronounced even when written Caius, as Quin-

[1] Spartian Ael. ii. 3; Serv. *Verg. Aen.* (286). [2] *C.I.L.* i. p. 439–440.

tilian [1] and others tell us, and as is confirmed by the transcription of the name into Greek letters. It follows from the entries in the 'Fasti' (which can hardly be doubted since the record is so early) that the great Caesar's father and grandfather were both called Gaius.

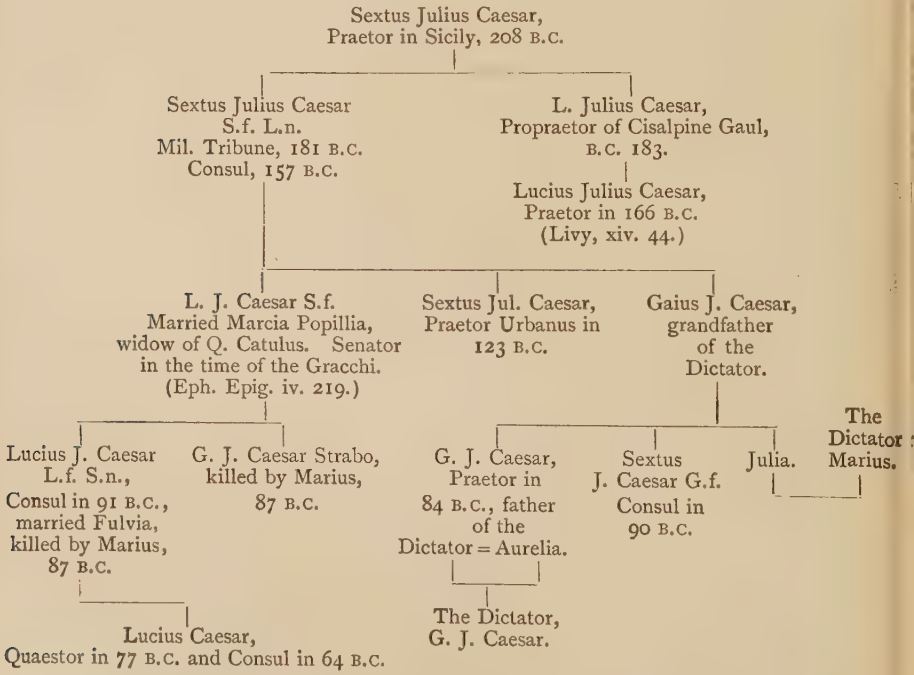
The *praenomen* Gaius, pleasantly reminiscent of Gaius Gracchus and Gaius Marius to the crowd, was a new one in the Julian family. It became a name of somewhat sinister omen, for several who bore it perished violently (see Suetonius' remark on this subject in his 'Life of Caligula'). The fact that after the Punic wars its occurrence as a *praenomen* is so rare compared with its frequency in the suspicious notices of the family before those wars, affords evidence of their spuriousness. I am not sure that the Dictator's grandfather was not the first of the stock to bear it, the *praenomina* previously in use being Lucius and Sextus. As his grandson the Dictator was born 100 B.C., it is not improbable that his own birth took place about 160 or 150 B.C., and he may have been the son of Sextus Julius Caesar, who was consul in 157 B.C.[2] Of him we only know the name, 'Gaius,' that he married Marcia, belonging to a very old Roman stock claiming descent from Ancus Martius (Suetonius' *Caesar*), and that he gave his daughter Julia to the Dictator Marius. It is probable that he had two sons, one of them named Gaius, the Dictator's father, and the other Sextus, who was consul in 91 B.C., and who in the 'Fasti Capitolini' is styled C. f. . . . n.,[3] there being a break where the grandfather's name should be. This probable uncle of the Dictator, who, if so, was brother-in-law of Marius, was apparently the same person who struck coins as moneyer (according to Mr. Grueber, following de Salis), in 99–95 B.C. These coins have the head of Roma on the obverse, and Venus Genetrix, the patroness of the family, crowned by Cupid and driving a *biga*, on the reverse. In

[1] I. vii. 28.

[2] It is noteworthy that a coin struck by a Sextus, which is no longer forthcoming, has been published (see Goltz. *Fasti*, 662, and Vaillant, *Jul.* 6) on which he was styled S. n. (see Drumann, *op. cit.* iii. 689, note 5).

[3] *C.I.L.* i. p. 439.

the field is represented an anchor, possibly recording some naval victory. He was consul in 91 B.C. at the beginning of the Marsic war, and died as proconsul at Asculum in 90 B.C.[1] In the 'Fasti Capitolini' he is called, as I have said, C. f. . . . n. If my conjecture be right, then the Dictator's grandfather was probably the uncle of the famous brothers Lucius and Gaius Caesar Strabo, both of whom had prominent careers. The former passed the first recorded Julian law, and commanded in the Samnite war; the other was an author of plays and an orator, who filled many high posts, and from having a squint in his eye was surnamed Strabo.[2] Both of them were put to death by Marius in 87 B.C. In the following table I have given my tentative solution of the difficult problem in regard to the pedigree of the early Caesars:



[1] Appian, *de Bel. Civ.* ch. 48; Cic. *Com. Asc.* p. 61; Florus, ii. 6, 8.

[2] We are told of his literary style 'festivitate et facetiis C. Julius L. f. et superioribus et aequalibus suis omnibus praestitit.' Cic. *Brut.* xlviii. 177.

While the parallel and doubtless older branch of the Julii, whose *praenomina* were chiefly Sextus and Lucius, remained attached to the ancestral politics of the family, that of the patrician party, Caesar's grandfather, apparently broke away from them and became connected with the democracy—a not unusual thing with younger sons. Froude aptly cites, in illustration of the fact, the English instance of the Cromwells of Hinchinbrook and their more distinguished cadet, Oliver Cromwell. No better proof of the political tendencies of Caesar's grandfather could be quoted than the fact that he married his daughter Julia, Caesar's aunt, to the self-made soldier, the Dictator Marius.

Of Julia's brother, the father of Caesar, we know certainly only that he was a praetor and died suddenly at Pisa in 84 B.C.[1] This points to his having had Cisalpine Gaul for his province. Klausen identifies him probably with a G. Caesar, who is named by Macrobius as *rex sacrorum*.[2] His wife was named Aurelia, and doubtless belonged to the powerful stock of the Cottas, who were of Sabine origin and plebeian status, and it is probable, as Drumann suggested, that she was the sister of C. Aur. Cotta, M. A. Cotta, and L. A. Cotta, who were successively consuls in 75, 74, and 65 B.C.

Besides being the mother of the Dictator she also had two daughters, who were called Julia, like their aunt. The elder one, Julia major, married successively L. Pinarius and Q. Pedius; the other, Julia minor, married M. Atius Balbus, and thus became the grandmother of the Emperor Augustus.

It has been generally agreed that the great Caesar was born on the 4th of the Ides of the month Quintilis—*i.e.* the 12th July.[3] It was a remarkable distinction that that

[1] Pliny, *Hist. Nat.* vii. 53, 54.

[2] Macr. *Sat.* ii. 9; Klausen, 1064, note 2131*a*.

[3] Appian, (*op. cit.*) ii. 106; Macrobius, *Sat.* i. 12, 34; *C.I.L.* I.² pp. 244 and 248. Cassius Dio says (xlvii. 18, 6) that when Caesar was forty-two his birthday coincided with the Apollo games, which would make it the 13th, in which view A. W. Zumpt (*De dict. Caesaris die et anno natali commentatio*, Berlin, 1874) agrees; but Drumann (*op. cit.*) shows (iii. pp. 126, 127) that the date of these games varied.

month should in after times have been called Julius in his honour,[1] and that it should be still universally so called in the calendar. The month of August was similarly named after Caesar's heir, Augustus. The consistent statement of Suetonius,[2] Plutarch,[3] and Appian,[4] that at the time of his death (March 15, 44 B.C.) Caesar was in his fifty-sixth year, and that of Velleius Paterculus[5] that he was eighteen at the time of the proscription of Sulla, has made it almost universally accepted that Caesar was born in the 654th year of the Roman Calendar, *i.e.* in 100 B.C.

Mommsen in his History contested this date on the ground that he would in that case have been under the legal age when he received certain public appointments. He accordingly dates his birth on July 12, 102 B.C. It is, of course, a very unlikely thing, *prima facie*, that so many ancient authors should have attested the fact, and that all antiquity should have been unanimous on the subject, and yet that they should have been two years wrong in the birth-year of so famous a person, who had such high connections, and whose family fasti must have contained decisive evidence about it. Mommsen's view was sharply and ably criticised by the authors of the 'Vie de César,' who showed that the rule about the age-qualification for certain appointments was by no means rigidly adhered to. The same position was maintained by C. Nipperney in a memoir in the 'Transactions of the Saxon Academy,' 1865.[6]

A curious and apparently conclusive reference in Plutarch was apparently overlooked by Mommsen and others, and seems to put the basis of his contention out of court. Plutarch says that once Laelius reproached Cicero in full Senate with sitting silent when Caesar, who was not yet come to years of maturity, applied for the consulship contrary to law.[7] This shows that even in regard to the consulship the

[1] Censorinus, *de Die nat.* c. 22, 16; Cicero, *Ep. ad Atticum*, xvi. 1.
[2] *Caesar*, 88. [3] *Caesar*, 69. [4] *Op. cit.* ii. 149. [5] II. 41.
[6] V. p. 3, &c. See also Zumpt (*op. cit.*) and Drumann, iii. 126.
[7] Plutarch, *Comparison of Demosthenes and Cicero.*

rule was lax, and it probably proved so in Caesar's own case. Mommsen's view, which has been generally accepted on the strength of his great authority, does not therefore seem sustainable, and it is very nearly certain that Caesar was in fact born in the year 100 B.C., the same year when his uncle Marius entered upon his sixth consulship. Cicero and Pompey were both six years older.

The tie of the small child (who was to change the course of the world's history so effectually) with Marius was a very potent element in his fortunes, and we must now consider the kind of man the latter was. He is described by the annalists as a fierce, rough, indomitable soldier, who had won a soldier's laurels in Africa, and had saved his country from the terrible Cimbri and Teutones, on whom he had inflicted two crushing defeats. He was stern, austere, morose, and unpolished. Like many self-made men he was also envious, jealous, and prone to take offence. He is described as having literally sprung from the plough, which was probably a picturesque exaggeration, but he was clearly only a small farmer by origin, and retained his rusticity to the end.

In spite of his plebeian origin he gave himself grand airs and lived luxuriously, and, like others of his class, qualified this self-indulgence by penurious and avaricious ways, doubtless the outcome of his early struggles. To the polished Sybarites of the Roman aristocracy these marks of vulgarity and his boorish manners were intolerable, as was their superciliousness to him. A successful and brave soldier and an honest man he certainly was, but he was a pitiful statesman, with small and sordid ideals, who was used by the democratic party as a trenchant weapon against its enemies.

It was in the year 101 B.C. that Marius returned to Rome after his great campaign against the Northern hordes to celebrate his triumph. Things were going badly with the restored oligarchy, which, since the downfall of the Gracchi, had proved itself impotent for good. The place of the famous democratic brothers was vacant, and the crowd looked on their favourite general as the very man who

would regenerate the State, for he was brave and honest. He might do this by increasing his special powers as Imperator at the head of his unmatched soldiers, or by more constitutional methods when his popularity would greatly help him. He chose the latter plan, and after enjoying his triumph he in fact disbanded his troops, and then proceeded to ally himself with the leaders of the popular party, who could at least control the crowd and knew its moods and ways. Among them, the most influential leaders were L. Appul. Saturninus and G. Ser. Glaucia, aggressive and gifted demagogues. They agreed that Marius should be nominated as consul for the sixth time in the year 100 B.C., while his allies were nominated for other high posts. The Senate's determined opposition notwithstanding, Marius was elected. The democratic leaders had prepared and launched a scheme for planting a number of Roman and Italian colonists on the conquered lands of Carthage and on those of the Celtic tribes beyond the Alps, which were treated as having belonged to the Cimbri.[1] In this distribution the soldiers of Marius were to amply share, while the trading class of the capital and the proletarians were bribed in other ways. Partly by intimidation and partly by cajolery these laws, known as the Appuleian Laws, were carried, and the only senator who refused to see them carried out, the stufdy, conservative general and statesman, Quintus Metellus, a determined opponent of Marius, preferred to go into exile.

The apparent success of the coalition was short-lived. Moderate men were frightened at the prospect of an alliance between such inexperienced and incompetent politicians (who traded on the prestige of the great soldier) and the disintegrating elements of society. The trading class, indeed, now drew nearer to the Senate and the party it represented. Meanwhile Marius, himself untrained and unpractised in politics, began to quarrel with his allies. He grew afraid of their political extravagance, disapproved of their methods, and openly wavered, and, it was said, negotiated with both sides. The democratic leaders, who knew how dangerous

[1] Appian (*op. cit.*) i. 29.

the whole position was, therefore came to an open rupture with him and directly flouted him, carrying the mob with them. The consul who had been a ploughman now sided with the Senate, and on December 10, 100 B.C., the first fight in all its history which occurred in Rome between the citizens took place. The popular party was beaten, and its leaders were ruthlessly killed by the victorious young aristocrats throwing tiles down on them from the roofs of the houses, and this in spite of Marius's wish to save them. 'Without sentence or trial there died on this day,' says Mommsen, 'four magistrates of the Roman people—a praetor (*i.e.* Glaucia), a quaestor (Saturninus), two tribunes of the people, and a number of other well-known men, some of whom belonged to good families. In spite of the grave faults by which the chiefs had invited this bloody retribution, they fell like advanced posts which are left unsupported by the main army, and are forced to perish without aim in a conflict of despair.'[1] The halo round the head of Marius had disappeared. In a few months there had collapsed and disappeared such a reputation and such popularity as had seldom been matched. He had succeeded by a kind of accident to the political heritage of the Gracchi without their political knowledge, experience and insight, and had brought their cause and his own into a woeful plight. Nor could he help the humiliating conclusion that he, as consul, had been the ally, and ought to have been the champion, of the slaughtered democrats. He now went off to the East professedly in pursuance of a vow, but really to avoid the chagrin of seeing his old opponent Q. Metellus return in triumph. While there, he tried to incite Mithridates to war by boorish phrases, hoping that in such case he might recover his reputation, for war was a game he knew well. His plans, however, failed. When he returned presently to Rome he had become a negligible quantity in politics. No one heeded what he did or said. It was during the events here related that his nephew Caesar was born. For some years Marius withdrew from politics, as

[1] Mommsen, iii. 476.

did his future rival Sulla, and the only incident we hear about later is characteristic of the crude tastes of a soldier. When he was praetor in 93 B.C. he showed in the circus an extravagant pageant, in which a hundred lions were hunted by Numidian archers.

After the collapse of his efforts at civil government Marius apparently felt that this was not his *rôle*, and he pined like a stabled war-horse for the sound of drum and trumpet. This shrill summons came again presently. For some years reaction had had its way. A new movement was meanwhile started, however, showing that in Rome, as often in our own country, the forces of politics were rearranging themselves. In the recent struggle against Marius the aristocrats had joined hands with the so-called *equites*, or tradesmen and merchants. The interests of the two classes were by no means identical, and the latter class had, in fact, owing to the efforts of the Gracchi, secured a very powerful influence which they did not wisely use, and of which they had deprived the senatorial party—namely, that of forming the panel for the *judices*, or jurymen. Friction grew rapidly between the men of old acres and the men of new fortunes, and at least one question of high political moment was at stake. The Roman State had been torn for a long period by the claim of the Italian communities subject to its rule to share in the rights and privileges of its citizenship. This was resisted by the conservative elements in the country, who, like the modern Magyars, looked upon these neighbours as aliens, whose speech and manners were foreign, and who had had no part or share in building up the great power whose citizenship they wished to share; while on the other hand the claim was supported by the popular party and by a succession of able tribunes. The Gracchi had fallen in pressing this fight, and the same struggle was now generalled by another capable tribune, an able and far-seeing politician, Marcus Livius Drusus, who belonged to the patrician class, and might have saved it from many disasters if they had supported him.

In the year 91 B.C. he as tribune proposed a series of

laws : first, to restore the function of jurymen to the senators ; secondly, to increase the public largesses to the poor, and to set apart the undistributed arable land in Italy, including Campania and the best part of Sicily, for the settlement of poor citizens as colonists ; and, lastly, to extend the Roman citizenship to the Italian allies of Rome. These laws, however excellent in themselves, were an open bid by the champion of the aristocrats to the crowd to help them to defeat the plutocracy. They were carried, but with difficulty. The aristocrats however, proved weak-kneed and lukewarm, and did not support their champion, and their opponents were aggressive and resolute. The Livian laws were accordingly abrogated, and their author was soon after found dead, whether assassinated or not no one could tell.

The death of Livius Drusus and the defeat of his schemes had a far-reaching effect elsewhere. It seemed to deprive the Italian allies of Rome of their last hope of obtaining by constitutional means the rights of citizenship which they had long claimed, and to which the help they had given the commonwealth at critical times entitled them. As they had no votes they had no part or responsibility in governing the State, while they only shared very partially in the benefits of the more humane laws of recent years. They were obliged to supply much larger contingents of recruits to the army than the Roman burgesses, and were treated by the local authorities with arbitrary cruelty and exaction which would not have been tolerated at Rome. Quite recently, again, a cruel law had been passed (like those against the Jews in Russia) prohibiting their residence in the capital. They had, in fact, been looked upon more and more as strangers, and as victims to be plundered and utilised than as fellow-subjects of the same empire. Disaffection was rife all over the peninsula, and came to a speedy head on the revocation of the Livian laws already mentioned. The revolt spread fast and widely, and was led by the indomitable Samnites ; and it taxed very keenly the resources of Rome to meet it and to put it down. ' Thus began a few months after the death of

Drusus, in the course of 91–90 B.C., the struggle (as one of the coins of the insurgents represents it) of the Sabellian ox against the Roman she-wolf.'

The Roman armies were commanded, as was then the rule, by the two consuls, P. R. Lupus and Lucius Julius Caesar, the latter no doubt a kinsman of the Dictator and closely attached to the aristocratic party. He had some distinguished lieutenants under him, including Sulla, Crassus, T. Didius, P. Lentulus, and M. Marcellus.[1] Marius also held a subsidiary command in the army. The forces on each side were well matched in numbers and efficiency. The first year of the war ended with distinct gains for the rebels. The Romans sustained more than one defeat, and the consul Lupus was killed. Their spirits were partially restored by a success of Lucius Caesar at Acerrae, and another of Gn. Pomp. Strabo at Picenum ; but the strain of the position is best measured by the fact that a law was proposed by the surviving consul which was known as the Julian law *de Civitate*, being the first one for which the Julian house was responsible. It conceded the full citizenship to all the burgesses of Italian communities and towns which had not declared against Rome. By a second enactment (the Plautian law) the right was secured to any qualified persons who claimed it within two months. The restriction, however, was enforced that the new men were only to be enrolled in eight of the tribes instead of all the thirty-five, just as freedmen were enrolled in four specified tribes only. This was no doubt to secure the ultimate decision on all questions to the old citizens. All the Latin colonies in Cisalpine Gaul at the same time apparently received the same privilege, while the rest of that community south of the Po, together with all the country from the Po to the Alps, were assimilated to the Latin towns of inferior position.

These concessions, which if made generously before the war might have entirely prevented it, nevertheless proved a great recruiting impetus for the Roman ranks. It was

[1] Appian, *de Bell. Civ.* i. 40.

further determined to withdraw two of the principal generals whose conduct of the war it was thought had not shown sufficient vigour: Lucius Caesar, whose consulate had ended, was replaced by his lieutenant L. Sulla, while the conqueror of the Cimbri, Marius (who had meanwhile succeeded Lupus as commander-in-chief by a decree of the Senate) was, notwithstanding some marked successes he had gained against the Marsians, displaced in favour of the new Consul, Lucius Porcius Cato. Strabo retained, now that he had become the other consul, his command at Picenum. The war was pressed on every side with skill, pertinacity, and vigour. Success followed success, due partially to Strabo, and more especially as was thought to Sulla, a view perhaps dependent upon the latter's own memoirs as its ultimate authority, but doubtless substantially right, for he was commander-in-chief and a soldier of high capacity. The tough and stubborn farmers of Samnium and Lucania were the last to submit.

The recall of Marius must have been very galling to the old hero, and it was made more so by the fact that the general who had won the chief laurels in the Social war, and had thus eclipsed him, was an old lieutenant of his own, Sulla, who now in 88 B.C. became consul. He was the special protégé of the aristocrats, who Marius felt hated him, and perhaps had mingled politics with their judgment when they deprived him of his command. He still remained, however, a popular hero and his name was still a great name to conjure with, but age (he was 68) and various excesses had qualified the old fire and skill of 'the saviour of Rome' a quarter of a century before.

Sulla differed from him in most respects. While he was of humble origin, Sulla belonged to one of the greatest and oldest of Roman families, the Cornelii, and was endowed with the proud and haughty bearing of a Roman patrician. He was also the idol of his troops, whom he understood well, and whom he had led to victory after victory. Now that the Social war was ended the Romans had to face a fresh war in the East, against a foe of great reputation, namely Mithri-

dates, king of Pontus, and Sulla as consul was entitled to command the forces sent against him. To this command Marius set up a claim, the same kind of claim which other veterans who have not realised that their day as soldiers has gone by, have set up on other occasions. He minimised the importance and danger of the enterprise, which he knew would be at least a profitable one. In order to show how youthful and vigorous he was, the foolish old man, whose dignity was sacrificed in the process, went down into the 'Campus Martius' (the great exercising ground of the troops), and there competed with the young soldiers in feats of horsemanship and gymnastics.

Meanwhile the political issues between the two parties at Rome were again coming to a head. Sulpicius Rufus, the best speaker there in his day (according to Cicero) and once a foremost champion of the aristocrats, to whom he belonged by connections and wealth, had gone over to the popular side. Renouncing his patriciate, he had been elected tribune, and become a strong champion of the aims of the reforming party at Rome. In 88 B.C., the year of Sulla's consulship, Sulpicius proceeded to propose a large extension of the Julian law—namely to confer the complete citizenship upon all Italians as far as the Alps. This proposal would hardly have caused a civil war, for many moderate men of the aristocratic party approved of it. It was, in fact, merely an extension of rights already partially conceded. He went on, however, to propose the forfeiture of their position in the Senate by all insolvent senators; to allow all burgesses who had been recently condemned by packed juries to return home; to give the right of voting in all tribes instead of only in four to the freedmen; and, lastly, to substitute Marius for Sulla in the Eastern command. These were matters closely affecting the interests of the ruling caste, and raised questions of privilege for which all aristocracies and bureaucracies must eventually fight if challenged. Sulla, who had obviously very direct personal interests involved, as he also had the purpose of sustaining his own class, marched upon Rome

with his six legions of veterans as the avowed champion of the aristocratic party, which to him meant the only party capable of duly governing the State. It was the first time for 250 years that any legionary in arms had entered the sacred boundary of the city. Sulla lighted his watch-fires in the Forum itself. The people vainly resisted. Sulpicius was killed. Marius, 'the saviour of his country,' had to fly for his life and a price was put on his head. Twelve of the prominent popular leaders were executed without trial and without appeal; the rest of the principal men of the popular party escaped either to Africa or Spain. The whole proceeding was an outrageous breach of every Roman precedent and constituted a real revolution. As Mommsen says, 'It was the first military intervention in the civil feuds of Rome, and it proved that when the issue came to fighting the citizen's bludgeon was no match for the weapons of the soldier. It was the conservative party which first drew sword, and which in due time experienced the ominous words of the Gospel as to those who first have recourse to it.'

The Sulpician laws were cancelled, and the head of their author was attached to that rostrum in the Forum whence he had swayed the crowd with his eloquence so shortly before, a brutal example which was followed on a larger scale presently when the wheel of fortune had taken another turn. Illegalities of administration were now supplemented by irregular changes in the constitution, prescribed and carried through with the avowed intention of restoring the oligarchy to its ancient dominance, not on the initiative of the legal authorities, but by a victorious general whose acts were eagerly approved by a Senate fighting for its privileges. According to Appian, a law was enacted enforcing a legal maximum of interest, and arrangements were made for planting a number of new colonies. Three hundred new members known to be favourable to the oligarchy were added to the Senate after careful selection. Reviving a long obsolete law, Sulla gave a large proportionate power of voting to the

moneyed classes, thus virtually excluding the less wealthy from the election of consuls, praetors, and censors, while the tribunes of the people were stripped of half their power. Their right of veto was retained, but it was provided that no law or measure of any kind was henceforth to be submitted to the popular assembly till it had been considered by the Curia, and had received the sanction of the Senate.

Having hedged round the Senate with its restored privileges and made it, as he thought, almost impracticable to prevent any new invasion of them, Sulla exacted an oath from the two new consuls, Gnaeus Octavius and Lucius Cinna, to maintain the new constitution. Both belonged by origin to the aristocratic party, but the latter was by no means devoted to Sulla, who now set out for the East to face Mithridates, whose might grew daily; to reconquer the Eastern provinces which the exactions of the Roman publicans had exasperated into rebellion, and to stop the abuses there. This was in 87 B.C.

Let us now return for a moment to Marius. It is no part of my story to relate in detail the broken fortunes of the old man who, notwithstanding his tactless and inept attempts at statesmanship, had put the Roman State under undying obligations. In his flight he escaped from one refuge and one danger to another. Deserted by his old friends, he was virtually alone when pursued by the savage rancour of Sulla's officers. A party of them sought him out in a bog where he had stripped and buried himself among the mud and reeds. There he was found and thence he was taken before the magistrates of Minturna, by whom he was condemned to death, but no one could be found who would put to death the saviour of Italy. He was accordingly released and supplied with a boat, with which he set sail for Carthage. The Roman governor Sextilius sent to remind him that he was an outlaw, and must not stay in Africa. 'What answer must I take back?' said the officer. 'Tell him,' he said in a famous phrase, 'that thou hast seen the exile Marius sitting on the ruins of Carthage.' He thus linked the fate

of Carthage and his own as a warning to the praetor.[1] Meanwhile news reached him that great changes had ensued in Rome. The two consuls there had quarrelled. Scarcely indeed had Sulla set out for his Eastern campaign when one of them, Cinna—who, although a patrician by origin, had sympathies with the popular party, and was apparently supported by the wealthy burgesses (*equites*), who were not very keen champions of an aristocratic supremacy—broke his political ties. In conjunction with one of the tribunes he summoned the crowd, which was probably largely recruited by unenfranchised Italians and by numerous exiles who were called home, to meet in the Forum. He demanded the re-enactment of the Sulpician laws giving equal rights to all the Italians, the recall of those who had been banished after the Sulpician revolution, and generally the power to cancel the recent legislation. He was seconded by one of the most remarkable Romans of that remarkable age, a soldier and a man of sterling worth and genius, Q. Sertorius, as well as by the tribune Carbo. Cinna's colleague in the consulate, on the other hand, marshalled the forces of the senatorial party, entered the Forum, and having in vain asked the crowd to disperse, initiated a massacre. The number of corpses was estimated at 10,000. Cinna and the tribune fled, but not far. By a decree of the Senate they were outlawed, a punishment well deserved, says Velleius Paterculus, but a dangerous example, and Lucius Claudius Merula was appointed consul in Cinna's place. It was, in fact, a desperate piece of folly on the part of the oligarchy to arouse the passions of the crowd by such an act as they had perpetrated, especially in a community where there was a large body of disbanded soldiers, many of whom had natural sympathies with their relatives and friends who had been murdered; and a large recruiting area close at hand among the disfranchised Italians. They gathered round Cinna and Sertorius, while Marius, having heard what had happened, and probably at Cinna's invitation, returned again,

[1] Plutarch, *Marius*, xl.

and proved a rallying post for many thousands whom he had once led to victory in his glorious wars. He was in no pleasant humour. A price had been set on his head, his home had been destroyed, his property had been confiscated, he himself had been chased like a wild beast. The Senate tried to be conciliatory by surrendering their newly gained privileges, but it was too late. They were abandoned even by their friends among the soldiers. Marius entered Rome at the head of a cruel army, himself exasperated, and with undying hatred for those who had so defied him. Incited by passionate clamour his soldiers proceeded to commit a ruthless slaughter. It was determined not to select individual victims, but to have all the notable men of the optimate party put to death and to confiscate their property. The gates were closed ; for five days and five nights the bloodshed continued without intermission. Even afterwards the execution of individuals who had escaped or been overlooked was of daily occurrence, and for months the bloody persecution went on throughout Italy. Among the slain were Octavius the consul ; the celebrated victor of Acerrae, Lucius Caesar, consul in 664 ; and his brother Gaius, a dramatist, poet, and orator ; Marius Antonius, consul in 665, the first pleader of his time ; Publius Crassus, consul in 657, and a distinguished soldier, interesting to us from the fact that he had visited the *Cassiterides*, or British Tin Islands ; and Quintus Catulus, consul in 652, and half-brother of the two Caesars above-mentioned, the associate of Marius in his most glorious victory. The heads of the slain consuls were ordered to be affixed to the rostra in the Forum. Marius publicly embraced the man who brought him the head of Antonius. He had particular corpses dragged through the Forum, and that of J. Caesar stabbed afresh at the tomb of Q. Varius, whom Caesar had presumably once impeached. Fifty of the principal senators perished (and their heads were exposed in the Forum), so did over a thousand *equites*. A special legion of enfranchised slaves, called the Ardyaens, acted as executioners, and plundered and murdered with impunity. The old man

Marius seemed possessed indeed with an insane fury for bloodshed. No form of law was observed; a glance from himself, or even his silence, was accepted as a sentence of death, and the victim was immediately executed. It was in fact a parallel to the mad orgies of Ivan the Terrible, and was inspired very largely by Marius's personal rancour, envy, and jealousy of his younger rival, Sulla, and by chagrin and bitter hatred of the aristocrats, who he deemed had treated him with shameful contumely and despite, and been ungrateful to him after having saved the State from destruction. As Mommsen says, 'He took vengeance on the whole genteel pack that had embittered his victories and envenomed his defeats, and he had been enabled to retaliate for every sarcasm by a stroke of the dagger.' He had indeed fulfilled the pregnant description of him by Mirabeau when the latter said, 'The Mother of the Gracchi scattered the dust of her murdered sons in the air, and out of it sprang C. Marius.' What probably gave him the most pleasure was securing that Sulla should be declared a public enemy, confiscating his property and burning his houses, abrogating his enactments, and driving his high-born wife Metella and her children into a rapid exile. Never before surely, and never since, was a victorious general of such fame and capacity as Sulla, while still at the head of an indomitable army flushed with daily victories, thus treated.

Marius did not long survive his triumph. Having been again, and for the seventh time, appointed consul with C. Cinna for a colleague, he died a few months later on, January 13, 86 B.C.

A grim and forgotten story is told by Valerius Maximus about the funeral of Marius, and it recalls the mortuary tragedies of another date. A suitably notable victim to be immolated on his tomb was found, he says, in Scaevola (Q. Mucius Scaevola), who was pontiff and one of the most distinguished of the aristocracy. He was conducted with pomp to the funeral pyre. He was struck by the sacrificing priest with his knife, but the blow was badly aimed and did

not kill him. He, in fact, recovered, and was then prosecuted by the tribune Flavius Fimbria for having avoided the blow (*quod parcius telum recepisset*).[1]

At the time of his death Marius was seventy years old and, as we have seen, had had the unparalleled honour of seven consulships, had amassed a regal fortune, and in his earlier days had been a fine, brave, successful soldier. It was tragical that with such antecedents he should have passed away amid the rejoicings of the best and most moderate people in Rome, and with the reputation of a cruel, heartless, and unscrupulous tyrant. He was the first Dictator of Rome in the modern sense, and the first institutor of that form of personal government called after his nephew Caesarism, in which the law was supplanted by the personal and arbitrary will of the ruler. It is impossible to judge fairly of, or even to understand Caesar's character or career without recalling the facts which are here condensed. Of all famous men he was probably most influenced by the surroundings among which his younger days were passed, and the ties and connections which united him, a Roman aristocrat, to the party of the people. He was not like other aristocrats by birth who adopted democratic views because they were useful and helped his ambition. He was born in the party. His nearest relations belonged to it. The greatest man of action it had hitherto produced was his uncle, and from the beginning he must have been imbued with its traditions, engrained with its hopes and ambitions, and inspired to become its leader, for ambition was his very life-blood, as he himself confessed. Caesar's mother Aurelia, as we have seen, was the sister of high-placed officials, three of them having apparently been consuls, and her family was closely tied to the service of the gods.[2] She is described as an austere and religious woman, and it was doubtless from her that her son derived his strong character and capacity. We know very little of his boyhood,

[1] Val. Max. *Fact. et Dict. Mem.* ix. xi. ; Cicero, who also tells the story, cites it as a proof of Fimbria's wickedness, see *Orat. pro Sext. Rosc.* xii. 33.

[2] Festus says the name of the Gens Aurelia was derived from this fact. Festus, *de Carm. Salia. Relig.* iv.

for both the biographies of Suetonius and Plutarch are mutilated at the beginning. Tacitus tells us his mother devoted herself to the education of her children. He compares her with Cornelia, the mother of the Gracchi, and Atia, the mother of Augustus,[1] while Suetonius tells us that his early master was M. Antonius Gnipho, a freedman from Gaul (*i.e.* Cisalpine Gaul). He describes the latter as a man of singular ability and good memory, equally at home in Greek and Latin, and with a happy temperament and good manners. He at first taught his distinguished pupil at the latter's home and afterwards at his own house, where he seems to have kept a school which was attended by other distinguished men, among them being Marcus Cicero, and he wrote a good deal on philology.[2] The fact that Caesar and Cicero went to the same school may be supplemented by the statement of Cicero himself, that he and his brother Quintus, as well as their cousin Caius Varro, were friends of Caesar's young days. This would be otherwise probable, for the Ciceros' home was at Arpinum, where Marius had his residence.[3] The latter's adopted son, the younger Marius, was doubtless also a companion of Caesar and the two Ciceros.

Like other Roman boys of good birth, Caesar learnt Greek as a matter of course. The last words he uttered when dying were Greek. This was in fact hardly an accomplishment at Rome where everyone spoke it. It will be remembered how the Emperor Claudius, addressing a stranger there a century later said, speaking of Greek and Latin: 'You know *our* two languages'[4] Suetonius, apparently on the authority of Q. Tubero, tells us how Caesar wrote when young (*ab adulescentulo*) a work in praise of Hercules, a tragedy on Oedipus, and made a collection of choice phrases (*dicta collectanea*).[5] These works were probably crude and immature, for

[1] *Dialogue on the Orators*, xxviii.

[2] Suetonius, *de ill. Gramm.* 7; Macrobius, *Sat.* iii. 12, 8.

[3] 'Ac primum illud tempus familiaritatis et consuetudinis, quae mihi cum illo, quae fratri meo, quae Caio Varroni consobrino nostro, ab omnium nostrum adolescentia fuit, praetermitto (Cic. *de Provinciis consularibus*, 17).

[4] Suetonius, *Claudius*, xlii.

[5] Ibid. *Caesar*, lvi.

Augustus forbade their republication in a letter written to his librarian, Pompeius Macer.[1]

Suetonius says that when young, Caesar followed the rhetorical method of Strabo Caesar (*i.e.* no doubt of his relative C. J. S. Caesar, who was killed in 87 in the Marian massacres. His words are 'species eloquentiae, dumtaxat adulescens adhuc, Strabonis Caesaris secutus videtur.'[2]

It was after the return of Marius from his exile in 87 B.C., and when the latter and Cinna dominated the fortunes of Rome, and doubtless in 87 B.C., that Caesar secured the first step on the ladder to fame and fortune. This was by the influence of his uncle and of his future father-in-law. He was then thirteen years old, and was selected (*destinatus* is the word used by Suetonius) for the office of Flamen Dialis, or High Priest of Jupiter, the senior god of Rome, an office which was handsomely endowed.[3] Long compares the appointment with that of Giovanni de' Medici, the son of Lorenzo the Magnificent, who was made a cardinal in his thirteenth year. In the case of Caesar, however, the appointment was inchoate and apparently never finally ratified. The previous occupant of the office was Cornelius Merula, one of the victims of Marius, who had committed suicide in the Capitol on the return of the Dictator from exile. The post, as we learn from Tacitus,[4] was not in fact definitely filled up again till the time of Augustus.

Suetonius tells us that Caesar lost his father when he was sixteen years old (*i.e.* in 84 or 85 B.C.). While he still wore the *praetexta*, or robe with the purple border (that is while he was still under age), he had been affianced to Cossutia, a lady of simple equestrian rank (*i.e.* belonging to the *bourgeoisie*), who was rich; but he repudiated her and made a much more useful match with Cornelia, daughter of the consul L. Cornelius Cinna.[5] He must then have been very young, not more than seventeen or eighteen, and the marriage was prob-

[1] Suetonius, *Caesar*, lvi. See Peter, *Hist. Rom. Fragmenta*, 202, 10 *a*.
[2] Suetonius, *Caesar*, lv.
[3] *Ibid.* i.
[4] *Annals*, iii. and viii.
[5] Suetonius, *Caesar*, i.

ably arranged by his mother. It not only allied him to the greatest political figure in Rome now that Marius was dead, but tied him still more closely to the democratic party of which Cinna had become the leader on the death of Marius. Not long after was born Julia, his beautiful daughter, who became the wife of Pompey.

Caesar's father-in-law, the consul Cinna, succeeded to a fairly peaceful heritage. The bandits who had followed the behests of Marius and had committed so many crimes at his bidding were put to the sword, to the number of 4,000, by the Celtic troops of Sertorius, and the citizens were no doubt glad of a surcease from outrage and crime, and willing to obey a commonplace ruler who did not disturb them with revolutionary proposals; and it came about that from 87–84 B.C. inclusive Cinna was continuously consul, regularly nominating himself without consulting the people, thus, as Mommsen says, 'constituting himself a tyrant in the ancient sense of a self-appointed, irresponsible ruler. No other chief of the popular party, before or afterwards, possessed so absolute a power in Italy and in the greater part of the provinces for so long a time almost undisturbed as Cinna.' He re-enacted the Sulpician law, giving increased freedom to the Italian burgesses, and got it confirmed by a decree of the Senate. Sulla's reactionary institutions were cancelled. The restrictions on the importation of grain were relaxed, and a new colony was founded in 83 B.C. at Capua, while a law was passed forcibly reducing debts to a third of their actual amounts, and cancelling the balance in favour of the debtors.[1] Meanwhile a large number of senators and other prominent aristocrats who had been banished or who feared for their lives went to the East, and found shelter in Sulla's camp there.

Sulla's position at this time was a singular one. He was in command of the most powerful army controlled by the State, which had won a succession of very notable victories against great odds, largely by the tenacity and resourcefulness of its commander, and had shattered the power of Mithridates.

[1] Mommsen, iv. 70.

He had imposed an enormous tax on the Asiatic province, punished the murderers of Roman citizens in the late outbreaks, and laid a heavy hand on the pirates. His soldiers were devoted to him, as was the cowed oligarchic party at home. In spite of his military rank and honours he had been outlawed, his home had been razed and his country estates laid waste, and Appius Claudius, Metellus, and other distinguished patricians had been treated with similar harshness, while his camp was crowded with fugitives of high rank and distinction. Like the French *émigrés* they were eager to march on the capital and wreak their vengeance on the hostile democrats, and had no doubt been carefully nursing plans for destroying the base-born clowns, as they probably thought most of the popular leaders who had so ill-used them and their friends. Sulla now wrote to tell the Senate that he had terminated the war against Mithridates, and he proposed returning to Italy. He promised to respect the rights of the newly enfranchised burgesses, but let it be known plainly that the crimes recently committed would be drastically punished, and that he meant to see justice done to those who had been wronged or banished. His proposals for an arrangement were rejected by the Senate, and Cinna having set out with an army intending to embark for the East to oppose the great general, his troops mutinied at Ancona and killed him. This was a heavy blow no doubt to Caesar, whose uncle and father-in-law had for so many years with one short interval been the supreme rulers of Rome, while he had meanwhile no doubt enjoyed everything to the full that fortune and inclination suggested to him, without either the responsibilities or restraints of office. He had been learning politics in the best of schools, namely where history was being made in the most dramatic way. As Froude says, ' It may be supposed that he had witnessed Sulla's first return to Rome, the camp fires in the Forum, the Octavian massacre, the return of his uncle and Cinna, and the bloody triumph of the party to which his father belonged. He had more lately seen the downfall and expatriation of Marius, the temporary triumph of the aristo-

cratic party, and the resuscitation of his own.' The pendulum of politics had indeed swayed to and fro during his short life at Rome, and he was just at the age when such scenes make an indelible impression.

Sulla's home-coming from the East was slow and methodical, for he had first to cross the seas; and after landing to try and conciliate the Italians, whom his party had so long excluded from the franchise and who now mustered a much larger force than he could command to oppose him. This he did by confirming their newly acquired rights with solemn engagements. He also had to mollify the doubts and fears of a great crowd of middle-class people to whom the restoration of the oligarchy was as threatening as the return of the French nobles after the Revolution was to the farmers and shopkeepers of France.

His undisguised intention, however, was to be the champion of the class to which he belonged and which had been cruelly treated by the democrats. There was not, perhaps, a noble family in Rome which had not lost a relative, or had not had an outrage perpetrated upon some female member of it or even some child, and his followers were eager for vengeance, and as cruel as Cromwell's soldiers were after the massacres in Ireland. Sulla, in response to their thirst for blood, did not scruple to enact a terrible revenge. He landed at Brundusium, the modern Brindisi, and made his way slowly and deliberately through Southern Italy against foes who greatly outnumbered him, but who consisted of raw levies of militia drawn from the farmers, and not, like his veterans, of disciplined troops. The first campaign secured him Apulia, Picenum, and Campania. The younger Marius proved a worthy son of his father in energy and daring. His father's old soldiers joined his standard, as did levies from Etruria, the districts of Cisalpine Gaul, and the more dogged citizens of Samnium and Lucania, who had recently during Cinna's lax *régime* recovered a good deal of their old independence, and even struck coin in their own name. In these districts the fight was a fierce one, quarter being neither asked nor given.

Sulla marched from Campania straight on Rome, and met and defeated the army of Marius 40,000 strong at Sacri Pontus, killing or capturing one-half of them. The rest fled to the fortresses.

Marius now ordered his friends to abandon the capital, but before doing so he contrived a fresh proscription to destroy what still remained there of the old senatorial party. His ferocity (he was only twenty) reminds one of that of St. Just at the end of 'The Terror.' Sulla was ably helped by Metellus, under whom he despatched an army to the country of the Po. The armies of the two generals marched from one success to another in a very difficult, stubborn and cruel war, and at length the peninsula was subdued except Samnium, always the last to give in.

The Samnites determined in their despair to surprise and destroy Rome itself, where there were few available troops except volunteers. It was 'the forest,' according to the rhetoric of their leader, 'where the wolves who had robbed Italy of freedom were harboured,' and they determined to demolish it. Their exasperated bands encamped about a mile from the Colline Gate on November 1, B.C. 82. When Sulla heard of the terrible danger to all that he valued most in the world, and notably to the country of which he was ever a most loyal if ruthless son, he hastened to the rescue. When he arrived he ordered his men, though fatigued, to at once attack. The fight lasted all night and into the day following. The position was only secured by the desertion of a division of the enemy. 'Rome was saved. The army of the insurgents, for which there was no retreat, was completely extirpated.' The prisoners who had been captured, together with their generals, were massacred to the last man. 'It was a ghastly execution and ought not to be excused,' says Mommsen. I am bound to say that this is not an altogether obvious comment on the position, which was one of those tremendous dangers which justify any remedy involving terror or cruelty. Never was such a State in such dire danger of destruction, and nothing is more certain than that if the victory had gone the other way,

and it might easily have done, the whole history of the world would have been changed. Rome would assuredly have been destroyed and its inhabitants exterminated. The danger and the provocation had been stupendous—no wonder that the red blood now flowed without stopping, and that pity and mercy were deaf and blind.

Praeneste soon after fell. Its commanders committed suicide, the senators who were found there, together with the Praenesteans and Samnites, were put to the sword, and the rich city was given up to pillage. Norba saw there was no hope in surrender. It resisted until its gates were opened by treachery. The citizens thereupon slew each other and then set fire to the town. Neapolis, Capua and Nola were all presently captured or surrendered.

'As to the Samnites,' says Mommsen, 'the Dictator declared that Rome would have no rest so long as Samnium existed, and that the Samnite name must therefore be extirpated from the earth.' He undertook a raid in order to devastate the country, captured Aeserna, and converted that hitherto flourishing and populous region into the desert which it has since remained. Tuder in Umbria, Populonia in Etruria, and Volaterrae in the same district, were all stormed and ruined, and the garrison of the last, although it surrendered, was put to the sword. 'The victorious army was distributed throughout Italy, and all the insecure townships were furnished with strong garrisons ; under the iron hand of the Sulla officer the last palpitations of the revolutionary and national opposition slowly died away.'[1]

It is necessary to relate and remember these grim and terrible facts, since without them clearly in view, and without their consequences in the shape of the poverty, ruin, desolation and devastation which they brought upon large parts of Italy, it is not possible adequately to understand the events that soon after followed. We shall not quite do justice to the position if we, however, concentrate our attention entirely on the destructive side of such a tornado as

[1] Mommsen, iv. 92.

Sulla's was. We must turn our eyes further afield. It may well be that the homogeneousness, solidarity and cohesion of the Roman polity in after times, which enabled it to garrison the rest of Europe without the danger of outbreaks at home, were due eventually to the inexorable way in which Sulla applied his theories of finally and definitely pacifying Italy. Cruel as it may sound, it may be nevertheless true that if Cromwell's work in Ireland had been completely instead of only half done, our domestic troubles since might have been much mitigated. The Senate, at Sulla's request, now appointed him Dictator, and thus after a lapse of 120 years the twenty-four lictors and the axes in the fasces were again seen attending the steps of an irresponsible ruler, appointed not as earlier dictators had been to prosecute a special war or in times of special danger, but meaning the surrender for a term by a whole people of all its civic rights to one strong man, with the avowed mandate of sweeping away the previous system of government and its officers. Every public officer, civil or military, who had served under Cinna was outlawed. Terrible lists of proscribed people, as in the French Revolution, were prepared. Upon these lists reckless and wicked men, who professed to be worshippers of the rising sun, inscribed the names of their personal enemies and those whose goods or honours they coveted. Spite and hate had a fine harvest, and the profession of informer became a peculiarly profitable one. Men of wealth and consequence on the liberal side were slaughtered wholesale and their property confiscated, to be divided between the informers and Sulla's friends and soldiers. A reward equivalent to 500*l.* was offered for the head of every scheduled person who had not been apprehended. The work of sweeping out the popular cause was done with grave deliberation, and utterly regardless of any other guilt in the victims than their possible danger to the reactionary *régime*. Appian speaks of fifteen men of consular rank, forty senators and 2,600 *equites*, or merchants, having thus perished; Eutropius and Orosius of twenty-six consular personages, seven former praetors, forty aediles and

200 senators; and Valerius Maximus makes up a total of 4,700 men of education and fortune who came by their end in this proscription, while 12,000 allotments were carved out of their property and were distributed among the soldiers and friends of Sulla.

While at Rome the proscription was largely limited to the upper ranks; in Italy whole classes were destroyed. The Samnite race, as we have seen, was virtually exterminated and the Etruscan community was almost stamped out for no other crime than that of struggling for the franchise, and thus a great recruiting ground for splendid soldiers was desolated. The Roman nobles were at least determined that there should be no more social wars. 'There were no trials and no pardons. Common report or private information was at once indictment and evidence, and accusation was in itself condemnation.' Froude rhetorically says that Sulla's excesses exceeded those of Marius as much as the insurrection of the Beggars of Holland was exceeded by the bloody tribunal of Alva. This was doubtless so, but the limitations of revenge on such occasions are not always measured by equitable considerations, as our own suppression of the Indian mutiny may teach us. Among the leaders of the great struggle on the popular side young Marius committed suicide as Napoleon ought to have done at Waterloo, Carbo fled to Africa and Sertorius to Spain, where, as Mr. Warde Fowler says, 'he kept the Marian watch-fire smouldering for many a year until Caesar himself had grown to mature manhood.'

There must have been exuberant exaltation in the patrician palaces of Rome as Sulla marched into the city with all the emigrants who had sheltered in his camp, and who, like those of France in 1815, came back, having learnt nothing and forgotten nothing save their own troubles and losses. No wonder they almost deified the great soldier with the golden locks, blue eyes and the mulberry tinted cheeks who had saved them and destroyed their foe. Appian tells us they dedicated a gilded statue in his honour in the Forum

with the inscription *Cornelius Sulla Imperator Felix.*[1] The same writer and V. Paterculus tell us he styled himself Faustus. Plutarch says that the trophies in his honour erected among the Greeks were inscribed *Lucius Cornelius Sulla Epaphroditus* (Favourite of Venus). The title of Felix, which he favoured the most, descended to his descendants, among whom was the governor of Judaea before whom Paul was brought.

Plutarch enlarges on the hitherto unmatched military achievements of Sulla in the wars from which he had returned to recover Rome for her friends. He had had to contend, he says, with princes, consuls, generals and tribunes of the highest influence and ability. 'Who,' he asks, 'among the Romans was more formidable than Marius and among the kings more powerful than Mithridates, or among the people of Italy more warlike than Lamponius and Telesinus? Yet he banished the first, subdued the second, and killed the two others. Not only so, but he fought the battles of his country on the plains of Boeotia against unnumbered enemies while still expelled from his home, with his household ruined and his friends killed. When Mithridates offered him his alliance against his Roman foes he would not even return his salutation till he had promised in person to give up the province of Asia, to surrender his ships, and to restore Bithynia and Cappadocia to their kings. He won so many battles and killed so many myriads of enemies that it was not possible to number them. Twice he captured Rome and he took the strongly fortified Piraeus at Athens by storm. His "triumph" was specially notable for the gold and silver which he exhibited, and for the royal spoils which he displayed and which were a novel spectacle; but what was most notable in the pageant was the long procession of exiles who had fled or been expatriated, and were now restored to their wives and children, including some of the noblest citizens of Rome.'[2]

The terrible tornado with which Sulla's return over-

[1] *De Bell. Civ.* i. 97. [2] Plutarch, *Lysander and Sulla,* iv. and v.

whelmed the hopes and fortunes of the popular party at Rome, by a kind of miracle passed over one young democrat, whose fortune it was to effectually reverse all that Sulla's name stood for, namely, Gaius Caesar. Although he was too young to have been directly embroiled in the recent policy of Marius and of Cinna, his connection with them both by blood and sympathy was so close that, however white his hands, it is strange that the nephew of Marius and the son-in-law of his successor should have escaped with his life. It was doubtless due to his highly connected relatives, and these were to be found on both sides in politics. It will be remembered that three Caesars, all doubtless his kinsmen, had recently been consuls. He not only saved his life, but dared, even as a mere boy (which he then was) to openly flout the all-powerful Dictator.

Sulla demanded from him as the price of his clemency that he should divorce Cinna's daughter and resign the titular office of Flamen Dialis which he held. He refused to do either. Thereupon the dower he had received with Cornelia was forfeited, as was part of his paternal heritage, while his connection with the Sacred College was cancelled.

Pompey and Piso were more complacent when a similar demand was made upon them. They both put away their wives at the Dictator's demand. Pompey divorced, with some cynicism, Antistia, the daughter of the advocate Antistius, and Piso, Annia, the widow of Cinna.[1]

Having dared to defy Sulla, who was as ruthless as he was omnipotent, Rome was no longer a safe residence for Caesar. He accordingly left the city and went to the Sabine country, where he moved his sleeping quarters every night for greater safety, although suffering from ague. There he was made prisoner by a centurion named Cornelius Phagita while being carried about in a litter, and only escaped dire punishment by bribing that officer with two talents—*i.e.* 500*l.*[2]

It was lucky for him that he had influential friends on

[1] Plutarch, *Pompey*, viii. ; Vell. Pat. ii. xli.

[2] Suetonius, *Caesar*, i. and lxxiv.; and Plutarch, *Caesar*, i.; Vell. Pat. ii. xli. 2.

both sides. Among those who interceded for him were the Vestal Virgins, who were probably friends of his religious mother, and who were privileged to make such appeals in certain cases. His mother's brother, Aurelius Cotta, and Mam. Aemilius Lepidus, who became consul in 77 B.C., and was a friend of the family, together with other relatives and illustrious men, also pleaded with Sulla for him. The Dictator at length relented and consented to spare him, but according to both Suetonius and Plutarch he warned them that behind this proud and attractive youth was concealed more than one Marius, and that he would some day destroy their party. This story probably came from Livy and reads like an ingenious posthumous invention. Appian moralises on the fact that he who had spilt so much blood with impunity should have spared the dangerous boy. Caesar, although he had thus escaped, determined at the instance of his friends to leave Rome, which was a dangerous place for a suspect in these times.[1] We will follow his footsteps presently.

Having destroyed the popular leaders as far as he could, Sulla once more set to work to place the State irrevocably, if possible, in the hands of those he deemed its really legitimate rulers—namely, the aristocratic party. He doubled the number of senators out of the patrician order, and by cancelling the power of the censors to revise the lists, and by removing those who were unworthy, he made them 'peers for life in a Single Chamber which he meant to be omnipotent.' He enacted that in future senatorial vacancies were to be filled up from the Curule classes only—namely, from retired consuls, praetors, aediles and quaestors, which was not an unwise suggestion. To exclude the influence of what he no doubt deemed demagogues, he provided that no one who had been a tribune of the people should afterwards be chosen for any other office. He re-enacted the provision restricting the initiative in legislation and the trial of causes to the

[1] Suetonius, *Caesar*, i. 45; Plutarch, *Caesar*, i.; Macr. *Sat.* ii. 3, 9; Cass. Dio, xliii. 43.

Senate, and took away their former rights in these respects from the popular assembly and the tribunes. The latter were also deprived of their right of veto in public affairs, retaining it only in private ones. The equestrian courts introduced by the Gracchi, which were composed of the wealthy middle class, were abolished, and courts in which senators alone were *judices*, or jurymen, were appointed as in former times in their place. The staffs of the colleges of priests and augurs were increased to fifteen, and the *decemviri sacris faciundis* who had charge of the Sibylline books were again made self-elective and co-optative. The number of quaestors was raised to twenty-four and that of praetors to eight, while it was provided that the consuls after their year of office were to be charged with the government of the consular provinces, and the praetors were to be similarly charged with the praetorian ones. To meet the case which had arisen frequently latterly in the cases of Marius and Cinna of consulships extending over several years, it was provided that ten years should elapse between any man's first consulship and his second. A man must be forty-three years old before he was competent to stand for the consulship, and he must previously have filled the offices of quaestor and praetor, like a Lord Mayor of London must previously have been a sheriff.

The popular assembly was no longer to be summoned when the tribunes deemed it right, but only on the Senate's initiative. The members of the Senate were only to be tried by their peers, and were themselves to be the judges of every other order. Free grants of corn which had filled the city with idle vagrants were abolished. To the Senate was confided the appointment of provincial governors, and to provide that august body with a suitable guard to put down disturbance and protect the right of voting, there were enrolled 10,000 picked slaves belonging to proscribed gentlemen, who were manumitted *en bloc*, and known as *Cornelians*, as Peel's policemen were known as Bobbies and Peelers. Sulla insisted that the great offices of State should be filled in regular order, first the quaestor, then the praetor,

then the consul. Notwithstanding his own acts in invading the Forum with his legions, he attempted to legislate for the prevention of similar things in future by extending the laws of Saturninus and of Varius in regard to 'Majestas,' and everyone in future who attacked the State, violated the Tribunician veto such as it was, interfered with the magistrates in the exercise of their functions, together with every magistrate who degraded his office, every provincial governor who left his province with his troops, or excited them to revolt, or surrendered to the enemy, or allowed prisoners of importance to buy their liberty, was to be deprived of the use of fire and water. By his law *de Falsis* Sulla specially punished the forgers of coins and of wills, the perpetrators of other frauds, and those who bought or sold free men; and he further passed a severe law, termed *de Sicariis*, for the punishment of murderers, incendiaries, parricides, false witnesses and false judges. By his law *de Repetundis* again, he punished praetors who made cruel exactions. He provided that no governor was to leave his province without permission from the Senate or to lead his army out of it, and on the appointment of a successor he was to surrender his post in thirty days, leaving a copy of his accounts in two towns of his government. He forbade governors from exacting anything beyond what the law allowed, and greatly curtailed the expenses of the embassies it had been their fashion to send to Rome. He established eight superior courts, presided over by the eight praetors, each with jurisdiction in a special class of cases, and he forbade the challenge of more than three judices. Hitherto this power had been exercised on a large scale.

According to Plutarch[1] he also passed laws on public morals to strengthen the ties of marriage and to arrest the abuses of divorce, and also enacted a number of sumptuary enactments to prevent excessive luxury. He also enlarged the limits of the city, and extended the boundaries of Italy from the Aesis, the modern Fiumesine, to the Rubicon, the modern Pisatello.[2] The most far-reaching of his reforms was the

[1] *Sulla*, 33, and his Parallel between Lysander and Sulla, 3. [2] Strabo, v. 1, ii.

final concession he persuaded his party to make of the full citizenship to all free Italians from the Rubicon to the Straits of Messina, and he thus became the definite founder of the full political unity of Italy.

As this was not accompanied by any adequate provisions as to voting, it rendered public voting in the popular assemblies at Rome most uncertain, and in fact ridiculous, for it could be controlled at any moment by crowds of Italians brought in specially to vote. This concession, however, was the first practical confession by the conservatives that the city parliament had ceased to be a suitable legislative authority for the Empire.

When we analyse these famous Cornelian laws, and consider in what a short time they were passed and their general good sense and prudence, it greatly increases our regard and respect for the genius and capacity of Sulla. There had not been such effective and far-reaching reforms in the Roman polity proposed by anyone before. They were presently matched by Caesar, as they were in modern times by Napoleon, a curious fact since all three men were exceptionally brilliant soldiers as well as legislators. If Sulla's administrative changes were not destined to live, many of his legal reforms lasted and were incorporated in the Roman Code.

Where Sulla failed was more because of the insolubility of the problem on what he deemed orthodox lines, than from any lack of skill and courage in his effort (the last one that was really tried on an effective scale) to limit the control of the affairs of Rome to the class which had dominated them in what he no doubt thought its golden age. He forgot that what might have been an ideal method of governing a city was impossible when applied to the government of an empire. Sulla's scheme, in so far as it was meant to crush the democracy, seems almost perfect on paper. After virtually exterminating the democratic leaders, he put the Senate upon a foundation which seemed impregnable and made it the creature of the oligarchy. His party thought he had

conquered the revolution, as he had won in every venture in which he had been tried. One thing he could not provide against, and oligarchies seldom can, namely the intervention of a powerful army under a successful general. By special provisions he decreed that the legions were not to be allowed to encamp in Italy and were to be maintained in the provinces, but Sulla himself could not prevent an army marching from outside Italy to Rome as his own had marched, nor treating his Senate as he had treated that of Marius and Cinna. He had himself supplied the key to the method by which his own work could be undone, namely by appealing from the law, which is the only safeguard of an oligarchy or a republic, to his own arbitrary will and choice.

When he had settled the national affairs and made them as he thought safe, Sulla withdrew from active politics to his country house to indulge his taste and passion for luxury and, according to Plutarch, for dissipation, libertinism and frivolity. There he had collected pictures, statues and manuscripts, and Pliny reminds us that among the paintings was the representation of the presentation to him of a grass crown by his soldiers during the Marsian, or Social, war, which was held to be a very high, as it was a coveted, distinction shared by few great soldiers. There also he wrote his Memoirs. He was a fine scholar and equally at home in Greek and Latin, and it is a great pity that his autobiography is lost; but it was liberally used by later writers, notably by Plutarch, and largely colours the views they took of his time. He outlived his retirement only a year. Luxury and idleness soon kill men whose lives have been full of energy and work. He died in the year 78 B.C. at the age of sixty. It was the fashion of the Cornelii to bury their dead, not to burn them. His friend Philippus, who foresaw that in future disturbances his grave might be desecrated, advised that Sulla's body should be burnt, lest he should presently have the same fate as Marius whose body the soldiers had dragged from its tomb and torn in pieces. Italy never witnessed a grander funeral ceremony. His body was carried to Rome in a gilded coach on which

were the insignia of the Dictator and the 2,000 golden crowns sent by the towns of the Empire. His veterans escorted it from Pozzuoli to Rome, and the army marched in attendance as at a triumph, while the trumpets blared, and women scattered perfumes on the route followed by the favourite of the gods on his last triumphal march. The Senate, the magistrates, the vestals, the priests, all in their robes, and the *equites* attended it to the Forum, whence it was carried on the shoulders of senators to the Campus Martius, where the old kings alone had hitherto been buried, and there the body was burnt. Such was the quantity of spices, says Plutarch, brought in by women that, exclusive of those carried in 210 great baskets, a figure of Sulla was made entirely of cinnamon and of the choicest frankincense. The body was no sooner laid upon the pile than a brisk wind blew it into a strong flame and it was immediately consumed. It was only when the pile had burnt down that a great rain fell, so that his fortune attended him to the last.

There is a peculiar grimness in the epitaph on his tomb, which according to Plutarch he wrote himself: namely, that 'none of his friends ever did him a kindness and none of his enemies a wrong without being fully repaid.'[1]

Unlike Marius, he was too proud and disdainful to parade his talents, and perhaps it was the genuine religious feeling of a conservative Roman noble which induced him, as Plutarch says, always to attribute his successes to Fortune rather than to his own merit or valour. He expressly said of himself that he 'was born for fortune rather than war.' He called his son and daughter, Faustus and Fausta, and he appealed to the goddess Fortuna, like Admiral Togo appealed in our day to the virtues of the Emperor, as his guerdon of victory. He bade his friend Lucullus depend upon nothing more than that which heaven directed him to in the visions of the night—*i.e.* to the inspiration of his dreams. We are told he carried about with him a small golden image of the Delphic Apollo. When hard pressed on one occasion he kissed it and said,

[1] Plutarch, *Sulla*, chapter 38.

'O Pythian Apollo, who hast conducted the fortunate Cornelius Sulla through so many engagements with honour, thou wilt not let him fall ingloriously at the threshold of his home by the hands of his own fellow-citizens.'[1] This attitude seems to imply that he genuinely felt he was a mere instrument of the gods in what he had done. His perpetual good fortune was in fact treated by Seneca as a crime of the gods themselves. *Deorum crimen erat Sylla tam felix.*[2] Pliny is even more bitter. He says of him that 'alone up to this time he had claimed the style of "Happy" [Felix], and this forsooth because of the citizens' blood he had shed and the oppression he had laid on his country. What claim had he to such a title but that of massacring and proscribing so many thousands of his fellow-subjects? "Unhappy" ought in fact to have been his title. Those were more fortunate who perished in those times, seeing that posterity sympathised with them, while there was no one who did not detest Sulla.'[3] We can judge the matter more coolly, or perhaps cynically, now, and can detect a measure of political wisdom in Sulla's organised terror. Like most Romans he was no doubt cruel, ruthless, and implacable, and did not in any way value human life in pursuing the path which he had cut out for himself. He depopulated large parts of Italy, and replaced the old inhabitants by colonies of his veterans in order no doubt as he thought to prevent the greater evil of perpetual revolts and civil wars, such as the Samnites and Italians had repeatedly provoked; and he decimated and trampled on the popular party in order to prevent anarchy and disorder from replacing the well-ordered State of whose achievements he was so proud. That Rome to which his loyalty never faltered he thought had been made and could only be sustained by high-born patricians, whose fortitude had always been equal to any sacrifice and who had alone inherited a genius for government.

Such was Sulla in his public life. In his private capacity,

[1] Plutarch, *Sulla*, chapter 29. [2] *Cons. ad Marciam*, 12.
[3] Pliny, *Hist. Nat.* vii. 44.

measured as a man, he has been described as a proud, imperious autocrat, contemptuous above all men of popular rights. He had, indeed, a disdain for mobs and the cant of popular liberty, but, as Froude says, 'he was free from any touch of charlatanry. He was true, simple and unaffected, and ever without ambition in the mean and personal sense.' A great statesman, a great soldier, and a typical Roman patriot of the old aristocratic pattern.

We will now return again to Caesar.

The famous and prosperous town of Mytilene in the island of Lesbos had deserted Rome in the first Mithridatic war, and been in close alliance with the great Pontic ruler Mithridates, the most powerful sovereign of the East, against whom Sulla had fought so fiercely and successfully. When Sulla returned to Italy, Lucullus, whom he had left in charge of the Roman forces, proceeded to attack the islanders and to lay siege to Mytilene. He gained some successes but failed to capture the town, and thereupon apparently left Asia. He was replaced in his command, as Suetonius tells us, by a propraetor named M. Minucius Thermus.

Caesar, realising how dangerous Rome had become for him, determined, like other aristocratic young men of his station, to see some soldiering, and accordingly got himself attached as a tent-companion (*contubernator*) to the propraetor just named, who sent his handsome and attractive aide-de-camp to Nicomedes, king of Bithynia, one of the rulers of Asia Minor, then under the tutelage of the Romans. This was about 80 B.C. Caesar was commissioned to secure the help of a Bithynian fleet, with which he was to return to Lesbos. While he was on this errand, which he carried out successfully, he was the guest of the Bithynian king, Nicomedes III. The familiarity and friendship extended to him by his host led in later times to the promulgation of slanderous stories about their intimacy. I shall revert again to the story, and at present need only say that it was entirely, so far as we can judge, the product of the bitter struggles of a few years later when Caesar became all-powerful, and it was necessary if

possible to destroy his character. No charge would be more difficult to meet and none more fatal to his career if it had been generally believed, for, as the author of the 'Vie de César' says, notwithstanding the general looseness of manners this particular offence met with unusual reprobation even in the army, and Marius rewarded a man with a special crown for having had the courage to kill a nephew of the Consul himself who had attempted an indignity upon him. For a Roman noble with the highest connections and social position to have submitted to become the victim of the lust of a foreigner, whatever his rank, would have been an intolerable blow to the sense of Roman pride and dignity, for which nothing could have atoned. That Caesar's magnificent career became possible is the best proof that these lampoons were as little believed and heeded by the men of real influence as the political scurrility of the eighteenth century was in England. The siege of Mytilene was now pressed, and at length, probably in 79 B.C., the town fell. Caesar took part in the attack, when he saved the life of a Roman soldier, for which he was duly awarded a civic crown, which, as Froude happily says, was the Victoria Cross of the Roman army.[1]

After the capture of Mytilene Caesar went to see a very different kind of fighting. The Southern coasts of Asia Minor, Lycia, Pamphylia, and Western Cilicia, were at this time the home of a most pestilent nest of pirates, who desolated the Eastern seas, and spared neither temple-treasures nor defenceless towns. The Romans, who had been hitherto very lax in policing their Eastern waters, now made a strong effort to eradicate the evil, and in 675 A.V.C. (*i.e.* 79), sent the consul Publius Servilius, a capable commander, to undertake the task. He was now joined *inter alios* by the recently decorated Caesar.[2] Mommsen has well condensed the results of the campaign. 'P. Servilius,' he tells us, 'defeated the piratical

[1] Suetonius, *Caesar*, ii. ; Pliny, xvi. 4 ; Aulus Gellius, v. 6 ; Lucan, i. 358 ; Livy, *Epit.* book 89, and the coins.

[2] Drumann speaking of this war says, *Nur Suetonius* 3 *spricht von Caesars Mitwirkung* (*op. cit.* iii. 129, note 6).

fleet in a bloody engagement, and then proceeded to destroy those towns on the South coast of Asia Minor which served them as anchoring and trading stations. The fortresses of the powerful maritime prince Zenicate—Olympus, Corycus, Phaselis in Eastern Lycia, and Attalia in Pamphylia, were reduced, and the prince himself met his death in the flames of his stronghold Olympus. A movement was next made against the Isaurians, who on the N.W. of the rough Cilicia, on the Northern slope of Mount Taurus, inhabited a labyrinth of steep mountain ridges, jagged rocks, and deeply cut valleys, covered with magnificent oak forests, a region which is even at the present day filled with reminiscences of the old robber times. Servilius led the first Roman army over the Taurus, and broke up the strongholds of the enemy, Oroanda and, above all, Isauria itself, the ideal of a robber town, situated on the summit of a scarcely accessible mountain ridge, and completely overlooking and commanding the wide plain of Iconium.' From this war P. Servilius acquired for himself and his descendants the surname of Isauricus, and the young soldier of fortune who had joined him, Caesar, no doubt learnt, in a mode of fighting requiring the exercise of continual resource and personal initiative, some of those lessons he put in practice so ably in Gaul and Britain at a later day.

After the death of Sulla, Caesar once more returned to Italy, to find things there much changed. The slaughters and confiscations of the Dictator had played havoc among his relatives and friends, and there were few indeed left in the popular party who had either prestige or influence. He himself, although still so young, had a notable position, for, apart from his family connections, the crowd could not forget that this handsome and gifted young man whom they again saw in the streets of Rome, was the nephew of Marius and the son-in-law of Cinna, and while he was, on the one hand, the representative of the proud Julian house, he was, on the other, tied to themselves by indissoluble bonds of sentiment and conviction.

The position was, however, a trying one, and well fitted

to test the nerve and judgment of so young a person, for although Sulla was dead his party was still nominally dominant, and any indiscretion on his part would have been sharply punished. Things were not, however, in reality so flourishing for the aristocrats as they seemed. It is a curious fact that notwithstanding Sulla's extraordinary prestige, popularity and fame, he had not been able to secure the election of both his own candidates for the consulship in his last year, and he was much piqued when M. Ae. Lepidus, a person unfriendly to himself although a professed optimate, was elected as the colleague of Catulus, who had fought by his own side against the Cimbri. Lepidus probably owed his success at the polls to the votes of the *equites*, or rich mercantile class, whose judicial functions Sulla had cancelled, and who probably dreaded a period of retrograde legislation.

Oddly enough, Lepidus was also supported by the high-minded and brilliant young soldier Pompey, and this although Lepidus was suspected of having exacted large sums of money from the people while governor of Sicily. Cicero puts him as only second to Verres among the spoliators of the provinces. Being afraid of the popular vengeance, and probably also urged by his wife Apuleia, the daughter of Saturninus, the turbulent tribune and advanced democrat previously mentioned, he abandoned the patricians, joined the opposition, and carried a resolution for the resuscitation of a measure initiated by the Gracchi, which was directly contrary to Sulla's enactments: namely, the distribution of largess among the poor. He proposed, in fact, selling grain to them at the price of $6\frac{1}{2}$ asses, or three silver pence, for 5 modii. Mommsen calculates that the number thus relieved was about 40,000, at the cost of about 40,000*l.* to the treasury. This only whetted the popular appetite. Lepidus himself had, in addition, ulterior views unattainable, however, at that time by peaceful means. He no doubt aimed at overthrowing the galling yoke of the aristocrats and he apparently fostered the general discontent. An outbreak which took place in

Etruria during his consulate was attributed to him, and when his term of office was over he openly joined the rebels. He made strong appeals to Caesar to join him, and in truth the latter was under obligations to him, for he had been among those who had pleaded for clemency when his life was threatened by Sulla. The appeal of Lepidus was seconded by his brother-in-law, the younger Cinna. It is plain, however, that while he may have approved of some of his aims, Caesar altogether disapproved of the violent and illegal methods by which Lepidus sought his ends. He was always consistently in favour of constitutional methods of reform only.

The rebellion of Lepidus did not last long. After suffering two or three defeats he fled, and presently—*i.e.* in 77 B.C.—died in Sardinia, and his followers went to join Sertorius in Spain. It showed uncommon tact and foresight on the part of Caesar when so young that he should neither have compromised himself in the rebellion of Lepidus nor yet have forfeited the confidence of the crowd.

Let us try to realise the manner of man he was at this time. His biographers tell us he was tall (for an Italian), well set up and graceful, with impetuous and lively spirits. He had black penetrating eyes, an Italian sallow complexion, and a strong, well-shaped Roman nose of an aquiline type. His lips were somewhat full and pursed together with the corners slightly drawn down, and his forehead was high, intellectual, and nervous-looking and prematurely bald. His neck as represented on his busts was, as remarked by Froude, remarkably sinewy and thick, beyond what might have been expected from his generally slender figure,[1] and his head was well set back upon it, so that he appears on his coins as always looking friend or foe straight in the face. When young his features were round, but in after years they were marked by strong lines and rigidity, giving him a remarkable appearance

[1] It is curious that Mr. Gladstone used to tell me that he attributed his extraordinary vitality and unwearied mental activity to his having an unusual development of the great blood vessels in his neck, which, he argued, supplied an unusual current of blood to his head.

of keenness, thoughtfulness and severity. He had a harmonious and stirring voice, and a noble restrained air and gesture in speaking.[1]

His constitution, originally fragile, was strengthened by frugal habits and by bodily exercises. He was an excellent horseman, and Plutarch says he had learnt to ride with a loose rein and with his hands tied behind him.[2] Suetonius adds that he was a practised swordsman and swimmer. Neither eating nor sleeping gave him much pleasure, and were merely indulged in as necessities.[3] He eventually trained himself to sustain great fatigue and privation. His extraordinary vitality became almost morbid, and we are in fact told that on two occasions, one at Cordova and the other at Thapsus, he had some nervous seizure which was perhaps epileptic.[4]

He was apparently from early days particularly careful about his person, shaved very assiduously and wore his hair artistically arranged on his forehead, which enabled him when older to disguise his baldness. Cicero tells us that he used to scratch his head with a single finger so as not to disarrange his toilet. His dress also was that of a leader of fashion. His toga was generally ornamented with a purple border, edged with fringes reaching to his hands, and tied by a loose girdle in a careless fashion about his hips, a costume patronised by the effeminate and elegant beaux of the period. According to Cassius Dio,[5] he also surrounded himself with luxurious furniture, such as pictures and statues, and wore rich jewels, notably a ring on which was represented his famous ancestress the goddess Venus, duly armed. But these affectations did not mislead good judges of men like Sulla and Cicero, who recognised behind them all a powerful and dominating personage. His was, indeed, a rare combination of an aristocratic bearing and appearance with a masculine temperament, in which were united the highest and

[1] See Cicero, *Brutus*, lxxv. ; copied by Suetonius, *Caesar*, lv.
[2] Plutarch, *Caesar*, xviii. [3] Vell. Pat. ii. 41.
[4] Suetonius, *Caesar*, liii. ; Plutarch, *Caesar*, xviii. and xxix. [5] xliii. 43.

most carefully trained mental gifts and an extraordinary memory.[1] He had an ample command of fine rhetoric, an invincible courage both physical and moral, and a remarkable control of temper and emotions. These sterling qualities were united to an affectation of Sybaritic effeminacy, and to the affable and polished manners of a high-bred gentleman and man of fashion, which made him a leader among the golden youth of Rome and a very attractive personage to cultivated women. As Froude says, he was conspicuously endowed with that high breeding which the Romans called *humanitas*.

The easiest and best recognised way by which the ambitious youth of Rome at this time acquired political notoriety (which is often the precursor of fame) was by prosecuting or attacking people in conspicuous positions for some dereliction of duty, and it mattered little whether they succeeded or not, they might acquire fame in either event. Caesar now, in 77 B.C., at the age of twenty-three,[2] proceeded to attack Gn. Cornelius Dolabella, one of Sulla's supporters, who was a very powerful personage, for he had been Consul, had enjoyed a triumph, and had been governor of Macedonia. Caesar accused him of malpractices while there, and had to face the practised oratory of Hortensius and L. Aurelius Cotta on the other side. Dolabella was acquitted, the court having probably been composed of Sulla's partisans,[3] but Caesar made a great speech on the occasion which was long remembered. Tacitus says it was still read in his day with admiration.[4] This prosecution of Dolabella no doubt made the latter his bitter enemy, and explains his subsequent rancour against him.

Plutarch, himself a Greek, and who perhaps had special

[1] Pacatus, *Panegyric on Theodosius*, xviii. 3, who names him in this behalf with Hortensius and Lucullus; see also Pliny, *Hist. Nat.* vii. 25.

[2] Tacitus is apparently mistaken in saying twenty-one; see *Vie de César*, . 266, note 4.

[3] Valerius Maximus, viii. ix. 3; Suetonius, *Caesar*, ii. ; Plutarch, *Caesar*, 4; Vell. Pat. ii. 43.

[4] Tacitus, *Dialogue on the Orators*, xxxiv.

knowledge of the facts, tells us that on this occasion many cities of Greece supported the action of Caesar, in acknowledgment of which he sided with them in their subsequent prosecution of Gaius Antonius Hybrida for having at the head of his cavalry plundered some districts in Greece when Sulla returned from Asia.[1] Plutarch says further that the latter cause was tried before Marcus Lucullus, the former praetor of Macedonia, and Caesar was so eloquent that the defendant appealed to the tribunes, declaring that he was not on equal terms with the Greeks in Greece, which looks as if Plutarch meant that the atmosphere of the court was Greek. Antonius was also acquitted. Six years later, however, he was again charged with the same offence, and was then driven from the Senate by the censors. Tacitus also speaks of Caesar's defence of a certain Decius, the Samnite.[2] These proceedings enhanced his reputation and popularity with the crowd, while the part he took in defending oppressed Samnites and Greeks also made him popular with them (especially the latter). The influence of the Greeks at this time at Rome, through their culture and widespread education, was very great ; while they had the power of modifying reputations by their command of the literary forces of the Empire. His success as an orator no doubt encouraged Caesar to follow in the wake of his early friend and companion, Cicero, and to adopt the profession of an advocate, which at Rome was a ready way to political influence ; and he determined to go to Rhodes, which was then the centre of literary and philosophical studies, and on account of its attitude towards Mithridates had been treated with special favour by Sulla. It had become a kind of Oxford for the higher education of the Roman gentry. Especially famous

[1] Plutarch, *Caesar*, iii., who wrongly calls Antonius, Publius ; see Drumann, *op. cit.* iii. 130, note 4 ; Asconius, *in Toga Candida*, pp. 88, 89 ; Cic. *p. M. Tullio*, 8.

[2] *Dialogue on the Orators*, xxi. He was probably the same person who is named by Cicero, *pro Cluent.* lix., and who fled from Sulla's proscription and was protected by Aulus Cluentius. In the MSS. of Cicero he is called Cn. Decitius. *Vie de César*, i. 267, note 3.

was it for its School of Rhetoric, and the finish of the style and purity of language there taught.

A characteristic story is told of Caesar on his way out to Rhodes by more than one writer. The earliest source to which I can trace it is Fenestella, who flourished in the reign of Tiberius. His Annals are lost; but an epitome, or perhaps table of contents, of them is preserved by Diomed, a grammarian of the sixth century. One clause of this reads 'Quemadmodum Caesar a piratis captus sit utque eos ipse postea ceperit et decollaverit,'[1] showing that Fenestella had told the story. The best report of the adventure is contained in Plutarch, who used Fenestella elsewhere, and probably derived this saga also from him. It illustrates the reputation for readiness and nerve which Caesar had acquired when still young, and is also a good picture of the utter state of lawlessness to which the Mediterranean had been reduced at this time by the pirates. He tells us that Caesar, having been captured by some pirates near the island of Pharmacusa (one of the Sporades), now called Fermaco, at the head of the Gulf of Assem Kalessi.[2] They asked him for a ransom of twenty talents, or about 4,500*l.* He spontaneously and laughingly offered them fifty, and sent his dependants, including his Milesian slave, Epicrates, to the neighbouring towns to raise the money, retaining only one of them, a doctor, and two slaves by him. Caesar, we are told, held the pirates in great contempt, and used to send and order them to keep silence when he wanted to sleep. Thus he lived thirty-eight days among them more as if they had been his guards than his keepers, and joined in their games and exercises, wrote poems and orations, and rehearsed them to the pirates; and when they expressed no admiration he dubbed them dunces and barbarians, and often threatened to crucify them. This freedom delighted them, while all fears of his escape were disarmed by his practice of not discarding his girdle and

[1] *Hist. Rom. Frag.* Peter, p. 278.
[2] *Vie de César*, i. 268, note 1.

shoes. When the ransom arrived from Miletus and he was free, he manned some vessels and proceeded to attack his late hosts, whom he found at anchor near the island. He captured most of them, together with the ransom he had given them, and transported them to Pergamus. When Silanus, the praetor, hesitated about punishing them, as he was anxious to sell them as slaves and thus make a profit of them, Caesar took the case into his own hands and crucified them.[1] Suetonius says it was only their bodies which were hung on crosses after they had been previously strangled, and cites this as a proof of Caesar's humanity.[2] As Junius Silanus was propraetor of Asia from May 76 to May 75 B.C.,[3] this fixes the date of the above adventure. Thus for the second time had Caesar ransomed his life for money.[4]

Caesar now proceeded to Rhodes to prosecute his studies. About the same time M. Aurelius Cotta (doubtless his maternal uncle) was nominated governor of Bithynia, which had been left as a heritage to the Roman people by its king Nicomedes, and with Lucullus he was ordered to oppose the threatened invasion of the Roman possessions in Asia Minor by Mithridates, the great king of Pontus.

Cotta was beaten by the latter near Chalcedon, and the Pontic king proceeded to attack Cyzicus, then in alliance with the Romans. Meanwhile, Eumachos, a general of Mithridates, slaughtered all the Romans in Phrygia, and occupied several of the Southern provinces of Asia Minor.[5] Things would have been desperate but for the loyalty of

[1] Plutarch, *Caesar*. See also Suetonius, *Caesar*, v.; Polyaenus, Στρατηγικά, vii. 23; and Vell. Pat. ii. 41.

[2] Suetonius, *Caesar*, lxxiv.; Vell. Pat. ii. 41 and 42.

[3] Pliny, ii. 100.

[4] Drumann says that Caesar went to Bithynia 'wo Junius [*i.e.* J. Silanus] sich gerade aufhielt, wahrscheinlich um zu bewirken, dass Rom den König Nicomedes III. beerbte, und als der Prokonsul aus Eigennutz die Piraten zu verkaufen befahl, kam er vor dessen schreiben nach Pergamum und liess sie kreuzigen.' named bylus, iv. 74; Vell. Pat. ii. 41, 3-42, 3; Val. Max. vi. 9, 15; Plutarch, and was pro: *Crassus*, 7; Poly. viii. 23, 1.
Cn. Decitius. ius, *Caesar*, iv.

the Galatian king Deiotaros, who opposed the enemy with courage and success.

Meanwhile a diversion was made by the young student of law at Rhodes, whose career we are tracing. Learning how matters were, he abandoned his studies, and, with the combined daring and faith in himself which eventually won him so many successes, he set out for Caria, where he raised a body of mercenaries, drove away the Pontic general, and inspirited the cities in the neighbourhood to resist, until Lucullus presently came to the rescue.

Caesar's part in this business was probably exaggerated by his panegyrists. He was still young and inexperienced. As Mommsen truly says, on such occasions not much can be done by mere volunteer corps, and he points out what were the really efficient factors in securing the defeat of Mithridates.

The return of Lucullus put matters in the East in a more cheerful position, and, there being no longer any specially urgent reason for his remaining, the young advocate returned to his studies at Rhodes, where his master was Molon, the most renowned of the teachers of rhetoric, who had been sent by the Rhodians as an ambassador to Rome in the year 84 B.C.[1]

Let us now return to Rome again and try and realise the condition of things there after the death of Sulla. Sulla imagined that he had devised a perfect scheme for maintaining the supremacy of the old aristocracy, but all he could in fact do was to refurbish the old time-weathered machine and to hedge it round with various defences. What he could not supply was a fresh graft of moral qualities to the human tree that grew there. The old Senate of Rome had deserved its power and its reputation because its members were devoted to their country and to their public duties, led simple, austere lives, and had the virtues of a race which

[1] As Drumann shows, he has been confounded with Apollonius Malakos, who is mentioned by Strabo, xiv. 2, 3. Both came from Alabanda in Caria, and both lived at Rhodes.

was law-abiding, fiercely brave, never daunted by danger or disaster, and ready to make any sacrifice for the common weal. Their descendants were very different men. They had become for the most part rich and self-indulgent Sybarites. Holding great names, descended from renowned ancestors, their private amusements and dissipations were largely their first thoughts; their gardens and their collections of art, their daily theatres and extravagant banquets, their unblushing vices and excesses, satisfied their ambition. Refined, cultivated, humane in this sense they were no doubt, but they had lost the art of being exemplary citizens, they had forgone the industry by which the soldier, the statesman and the orator are made. In times of great difficulty and harass such as the commonwealth had had to face in the previous half century against foreign enemies and domestic foes, and especially in the more difficult matter of administrating a vast new empire for which there were no precedents, the degenerate descendants of the old stock of aristocratic statesmen and administrators had too often failed, and had brought the commonwealth to great distress. Hence why such a career as that of Marius was possible for a mere rough, uncouth, and uninstructed peasant-soldier, like many of the Roman emperors of the fourth and fifth centuries, and like Suvaroff and Masséna in much later times: very good in the barracks and on the field of battle, he was utterly unsuited to rule a State, and in many ways a travesty of a liberal leader. He, indeed, brought the liberal cause into discredit by his excesses and his barrack-yard theories of civil administration. The supplanting of the old senatorial control by this new-fangled military Caesarism, of which Marius was the real originator, is easily explained. It means that men were content to tolerate it as something strong, rather than longer endure the decrepitude of senatorial administration abroad and at home. Hence also the explanation of such a career as that of Sulla, who became the most powerful dictator and autocrat the State had yet seen without any very obvious personal aims, but merely as

the depositary of the supreme executive functions of the Senate, for which he professed to be only acting vicariously. He showed in his own person that the old order of things had passed away, and that the concentrated power and decision of one man had somehow become a necessity to avoid national shipwreck. What Marius and Sulla inaugurated (no doubt very largely necessarily, and unwittingly) was bound to be imitated. For a return to the methods of the old Republic it was necessary to man the State with old Republicans, and the available men were no more like their ancient representatives than the titled ribalds who surrounded Louis XV. or our Charles II. were like the knights of St. Louis or the companions of Simon de Montfort.

This was not all; it was not merely the men, it was the machine that was utterly unsuited to the new conditions. A city like Athens or Rome could be governed by assemblies of citizens called in the market-place, and having the last decisive word in critical matters of policy. When, as in early times, the free men of Rome and Athens were in essence, if not in name, inborn patriots and men of affairs, and had unbounded confidence in themselves and their capacity to compass anything, and were morally as well as physically exemplary citizens, the State, which meant the city, was well governed by such assemblies. But Rome, having conquered Italy, had eventually subdued almost the whole civilised world, and to profess to govern such an empire by the mere burgesses of the old city and its environs, who were to meet and decide most far-reaching decisions as heretofore in their public assemblies in the Forum, was impossible. It would have been a grotesque experiment even if Rome was what it had once been—namely, an ideal Rome, but now that its citizens were recruited by all kinds of alien elements, who were demoralised by debt and poverty and dissipation, by the crime and disease of a great city, by a pressing load of a crowd of unenfranchised slaves, by the decay of martial instincts, and by the corruption of morals and its life, the case was hopeless. For such a Rome to profess to govern

the Italians, not by the picked and selected men of the Empire, but by its own demoralised crowd, shouting and voting for revolution, while both hands were meanwhile held up for largess in the market-place, was assuredly, as Sulla ought perhaps to have guessed, a ridiculous anachronism. It was no longer, as it had been in the political fights of the past, a question of whether the class of Romans with great names and great experience—the patricians—should concede a part of the government to another class, the plebeians, who recruited the legions and tilled the soil, and were the finest citizens in the universe, their own free fellow-townsmen. The latter class Sulla knew had largely disappeared, and he fought his hardest, therefore, to deprive the dregs that remained of any real power. In default he fell back upon those who had, at least, prestige and had given too many hostages to fortune to readily indulge in revolutionary changes. He might have succeeded if his Senate had shown any real capacity, and if, as I have said, the State had been limited to the old city on the Seven Hills; but his Senate proved worthless. Its most vigorous and worthy men had probably been destroyed in the recent massacres, and the city had, as we have seen, grown until, like the famous grain of mustard seed, the tree had overspread the earth. It is perfectly clear to us that however good Sulla's intentions, they were really unattainable and fantastic, and we might wonder that, with the shrewd instinct and deep insight which he possessed, he had not seen how futile his remedies in essence really were. If we are tempted to think so, let us remember how long we ourselves took to discover the lesson. The oligarchy which fought John at Runnymede struggled, as we know well now, chiefly for their own privileges, but they were great men physically and morally. The fifteenth century saw the same class dwindle away and disappear, but who at Bosworth could have foreseen that the real hope of things lay not in these panoplied knights, but in the middle classes who shared their education and their patriotism, and were going to supplant their power?

No more could Sulla have seen that the same class, whom the Romans styled *equites*, were the most hopeful element left in the community. On the contrary he scorned them, as the old Whig nobles scorned the tradesmen who began to elbow them in the early eighteenth century. He deprived them of their rights and privileges, and when they showed fight he slaughtered them mercilessly as men of more or less sordid ideals. Nor yet did he see until misfortune compelled him (and even then very grudgingly), that those Italians who spoke but dialects of his own speech and were made of pretty nearly the same paste as the Romans themselves, were worthy of ordinary civic rights and entitled to share in the common responsibilities of government. They provided a large part of the soldiery, and indeed of the more stable educated classes in the community, and were fairly free from the pestilential moral taint of the capital, of which Marius once, when in a cynical mood, remarked that it mattered little whether another sewer or two were opened into that cesspool. The Gracchi had fought hard for the solution of the great difficulty which was now conceded, and so had many other brave men who had suffered in consequence. Now that this aim was secured it was only a partial gain. Enfranchised Italy only went as far as the Rubicon. England had her own problem of the same kind, but on a different scale, when she refused her colonies self-government. Her 'social war' ended in the independence of the United States. The earlier concession of civil rights to the Italians might have saved Rome from many critical dangers and difficulties, but it was contrary to the theory of the Old World to concede such rights by those who possessed the blue blood of hereditary freemen, whether aristocrats or yeomen farmers, and they had to be won in Italy, as elsewhere, by forcing in the door when the house was threatened with collapse.

The enfranchisement of the Italians was, however, only one of the wrongs that was crying loudly for redress, which was opposed by the ruling caste, and which the cast-iron

constitution of Sulla rendered, and was meant to render, impracticable, and making it plain that that constitution could not live long, for it would not work. What was needed was a man with insight and foresight who should devise a scheme by which the old civic constitution of Rome should be adapted to governing an empire, and strong enough to overcome the perpetual *non possumus* of the privileged caste. The old mantle, brocaded and embroidered as it was with many gems and marks of distinction, was too much like a strait-jacket, and one less stately, but more ample and simple, had to be found to cover the shoulders of the infant who had become a giant. This was not so plain to the historians, biographers and rhetoricians who preserved the history of these times, however. With them the Golden Age, when it disappeared, was destroyed by violence and tyranny, and did not decay away and become obsolete from its inadaptability. To them the cause of freedom was not what we mean by freedom. For the most part they were the relatives, allies, clients, or spokesmen of the great families, and freedom meant to them the exclusion of vast masses of men from any political or civil rights or privileges unshared by their cattle. To them it really meant the freedom to retain and enjoy advantages by those who were born with them. The Senate which they glorified and held up to admiration was a mere oligarchic council, as much as the councils of the Greek and Italian so-called republics were. To Livy and Tacitus Rome meant the patricians, whose ancestors founded the State. Caesarism, which they hated, may have been good or bad, justified or unjustified, but it is a huge mistake to suppose that the enemy which it opposed and fought was democracy in our sense. A good and patriotic and benevolent oligarchy may be the ideal form of government. It was so once at Athens, Venice, and at Florence for a short time. A bad and vicious, corrupt, selfish and cruel oligarchy, on the other hand, is probably the worst form of tyranny conceivable. Under another name we have blushed at such a one and at its deeds recently in Russia; the later Venetian

State presents us with another example. It was an effete and worn-out and vicious oligarchy with which what is called Caesarism fought, and which Caesarism eventually vanquished, and be it remembered that when Caesarism finally won it maintained the Roman Empire for fifteen centuries.

Notwithstanding Sulla's proscriptions and the strengthening of the hands of the Senate due to him, there were many elements of dissatisfaction ready to take advantage of the passing away of the strong man. Among them may be named the jurists, who objected to the sanction of some of his laws. Some of the aristocrats themselves were not averse to reform—the Whigs, in fact, of the Roman aristocracy. There were also the old democrats, whose leaders had been decimated, but who still formed a large body of public opinion; the freedmen, who complained of the incompleteness of their franchises; the rich men and capitalists, who were treated by the grandees as the merchants of Vienna are treated by its feudal aristocracy; the large proletariat class in the capital, mostly with socialistic views; those whom Sulla had dispossessed and ruined and proscribed, who formed a very large and impoverished class; and those who had ruined themselves by dissipation and extravagance, or had lost their characters. These various elements composed a motley but a powerful body, such as easily becomes dominant when the political power in a State is condensed in its capital. Meanwhile the rapacity of the senatorial provincial governors and their agents, and the corruption and venality of the senatorial courts gave only too many opportunities to the sharp-tongued demagogues and forensic orators, by innuendo and direct attack, to destroy the credit of the ruling caste. Cicero, who was now emerging into notice, did this effectually among the higher classes by his public attacks on Verres and other governors, and his appeals to the Senate to reform itself and to itself punish such evil doers. A more effective oratory was addressed to the men of the pavement by the demagogues. The speech of one of

them has been preserved, and is most interesting from its likeness to similar oratory with which we are familiar. The speaker was the tribune Licinius Macer, a famous literary man, and he answered, therefore, to a modern Radical don at Oxford. 'What a difference,' he said, 'between the rights you inherited from your ancestors and the slavery to which Sulla has reduced you! Those whom you appointed to defend you have turned against yourselves the powers you gave them, and have submitted to mere successful soldiers, who have seized the treasure of the legions and the provinces. The rivals who strive to defeat each other do so only to see which of them is to be your master. They have pursued one consistent course, namely to take away your only weapon, the tribunitian power. Do not dignify slavery with the name of repose. If you do not arrest the evil they will make your chains even stronger.

'What is there to be done, then? Give over shouting instead of acting, and of losing sight of liberty directly you lose sight of the Forum. Inasmuch as all power eventually rests with you, you have the right to have your orders obeyed. Are you to wait until Jupiter or some other kind of god sends you favourable auspices, and meanwhile to ratify and obey the commands of the consuls and the decrees of the fathers? What reason is there why you should bear arms? Why not take a new departure? Be determined to shed no more of your own blood. Let them command and govern as much as they like. Let them enjoy their triumphs alone. Let them fight Mithridates and Sertorius with the images of their gods. Refuse to share the fatigues and dangers while you are refused a share in the good things of life; and, lastly, do not let your mouths be closed with the paltry doles of grain, which amount merely to a slave's ration, as if you only wanted to avoid dying of hunger.' Is not this the very language of Bebel and Jaurès in our own day?

Thus did the demagogues play with fire. With such blistering words scattered among the discontented crowd, it may readily be seen that there was plenty of material for

an outbreak against the aristocrats if only a leader could be found.

The only possible leader left who belonged to the old liberal aristocrats was Caesar's maternal uncle, L. Cotta. He was a member of the Pontifical College and was a famous orator. He became consul in 75 B.C., and during his consulate he passed a law revoking that of Sulla by which no one who had been a tribune was precluded from becoming a candidate for any other great office. This had been passed to prevent demagogues from reaching positions of great influence. The next year Cotta, who had meanwhile become proconsul in Gaul, died, and his death was no doubt a serious blow for Caesar, who was still at Rhodes studying rhetoric, and to whom a high-placed relative at this time would no doubt have been useful. His friends, however, secured for him his uncle's place in the Pontifical College.

Having completed his studies at Rhodes, Caesar returned home again, well equipped as a speaker and imbued, no doubt, with copious draughts of Greek philosophy and political wisdom, and also with the royal gift of effective speech. Plutarch tells us he was reputed the second best speaker in Rome in his time. His style became so excellent that it is specially praised by Aulus Gellius—*gravis auctor linguae latinae* he calls him.[1] Tacitus says that, like Brutus, he had also written verses which he put in the public libraries. He speaks in his usual acid way of the two authors in question as poets quite as feeble as Cicero, but more fortunate since fewer people knew that they had written poetry.[2] Suetonius, however, quotes some lines of Caesar's in memory of Terence which are graceful and discriminating. They are as follows:—

> Tu quoque tu in summis, o dimidiate Menander,
> Poneris, et merito, puri sermonis amator,
> Lenibus atque utinam scriptis adiuncta foret vis,
> Comica ut aequato virtus polleret honore,
> Cum Graecis neve hac despectus parte iaceres!
> Unum hoc maceror ac doleo tibi deesse, Terenti.[3]

[1] *Op. cit.* 11, 16. [2] Tacitus, *Dialogue on Orators*, xxi.
[3] Suet. *de Vir. illus.*, opera ed. Roth, 294.

Velleius Paterculus (ii. 43) says that on his return to Rome, Caesar, in order to escape the pirates, crossed the Adriatic with two of his friends and ten slaves in a boat pulled by four oars. We must look upon him at this time as merely a brilliant young barrister of high birth, who championed the popular cause with skill and devotion, and attacked the high-born who were distasteful to the crowd. He was well-known to and popular with that crowd, as Brougham and O'Connell were similarly popular with us and for similar reason; with the further advantage that he was of blue blood, and related to some of the foremost actors in politics of the previous quarter of a century. He returned to Rome in the latter part of the year 74 B.C. and was then twenty-six years old, and anxious, no doubt, to begin that career in the Forum and the Senate for which his ambition, high birth, and talents naturally pointed him out. His first step was to become a candidate for the tribunate, which, though shorn of much of its ancient glory by Sulla, was still a ready way for reaching the ear of the crowd.

The tribunes at this time were of two classes, those called *comitiati*, who were elected and performed magisterial functions, and those nominated by the consuls and generals, who were called *rufuli* because they were appointed under the law of Rutilius Rufus, each one of the latter being assigned a command of 1,000 men. It was doubtless to the former class that Caesar was now elected by a large majority over his opponent, Caius Popilius. He was probably assisted in his candidature by the rumours which had reached Rome of the civic crown he had won at Mytilene, and the cynical bravery he had shown in his attack on the pirates; and he thus gained the first step in his marvellous march towards the dictatorship. It would be absurd to suppose that he at this time contemplated a greater career than other able and ambitious youths who were his contemporaries. Men cannot see the possibilities and potentialities that lie before them until they have risen above many obstacles to their vision. The horizon that limits an empire can only be seen from

a very high mountain top, accessible to only a very few; and with the eye of an eagle.

At this time it is probable that Caesar's ambitions were limited to trying to secure the ordinary prizes open to a clever and enterprising young man of family at Rome.

[The following remarks were made by Mr. J. Foster Palmer, M.R.C.S., L.C.P., *Hon. Auditor*, who had prepared a Paper on the subject of 'Political Assassination' (with special reference to the fate of Julius Caesar) which could not be read as *in extenso* owing to the pressure of the existing arrangements for the current Session.]

Great as has been shown to be the influence on Caesar's career of his early environment, that of his later 'friends, enemies, and rivals' was perhaps equally great on the final acceptance of his ideals by the Roman people.

One of the factors which have tended to make the influence of Caesar permanent was his murder at a critical period of his career by one of these later friends, enemies and rivals, for Brutus may be included in all three categories. Caesar was killed, but Caesarism prevailed. The Roman Empire, which was in reality the direct outcome of that of the Caesars, only came to an end 100 years ago (1806). I am not concerned to decide whether the growth of Caesarism had, in the long run, a good or an evil effect, or whether the act of Brutus was right or wrong. I have discussed this on another occasion. From an ethical point of view—*i.e.* as far as the ethics of Stoicism would carry him—he was undoubtedly right. No lower code than that of Christianity could have taught him a better way. A truer judgment would have prevented him, but in this he was deficient. In proportion as his moral sense was high, his intellect was low. From the point of view of success he was absolutely wrong. He raised what he tried to destroy. He might have known this, but his mental vision was hopelessly narrow and contracted. A mind like Caesar's would have acted differently. It was not exactly a matter on which he could ask Caesar's opinion, but if he *could* have done so, and if Caesar *could* have given an

unbiassed opinion he would have said: 'No, my boy; you had better not. You will only do more harm than good.'

Political assassinations, I believe, constantly have this result. They belong to no age or country. They are due in their inception to an inherent defect in human reasoning, and, in their continuance, to an absolute inability to read aright the lessons of the past and apply them to the present and future. The immediate effects of these crimes have dazzled men's minds, while their more remote and lasting effects have been lost sight of. All this is perfectly obvious to thinking men, but assassins are not thinking men. They are men of one idea, and consequently men of ill-balanced minds: monoideists, morbidly sensitive to suggestions both from within and from without, but not prone to reason. Nearly all political murders thus defeat their own ends; and the sequence is a natural one. Great leaders of men are not usually originators. They are exponents of other men's thoughts. They have the power to grasp prevalent ideas not yet clearly expressed, and convert them into words and actions. They are not indispensable. They further the cause; they give tangibility to the ideas; they do not create them. The leader, let us suppose, is removed by assassination; but the idea remains and finds another exponent. The assassination draws special attention to the victim and his cause. Latent talent and energy are aroused, and other leaders, who had been content to follow, but who are quite able to lead, come to the front, and the cause receives an unexpected accession.

This took place in the case of Caesar and his cause. The murder of Julius Caesar is the great standing type of all political assassinations before and since. In it we see at work all the factors attending those strange phenomena which seem to be an inevitable condition of national and political life. If, in committing such crimes, any man was ever actuated by noble and patriotic motives, and had, in appearance, sound justification for his act, it was Brutus.

All national tradition was in his favour. Italy was, and still is, the very home of patriotism. The history of Rome ever pointed to tyrannicide as the virtue of virtues. The tyranny of the Claudii and the Tarquins was ever before men's minds. A repetition of such must be avoided at all costs. Even Horace's satire :

Cur non
Hunc Regem jugulas? Operum hoc, mihi crede, tuorum est,

was, to Brutus, no satire, but the expression of a plain and imperative duty. He knew the sacrifices that had been made to establish the Republic and maintain it intact, and no sacrifices, not even that of his dearest friend, could be too great to keep it so still.

Yet his act, noble as it was, stultified itself. The spirit of Caesar dead was a far more potent foe to Brutus and his cause than the body of Caesar living. The legend of the ghost of Caesar appearing to Brutus represents, in metaphor, an actual fact, as many such traditions do. It has a real meaning in the impression made by Caesar's mind and will on those who came after him. In this sense it would be understood by the educated Romans of the day, and probably also by Plutarch himself. If I were to say that I had, in the present century, seen, though in an attenuated form, the ghost of Caesar, there could be no doubt as to my meaning, and there was none to an intelligent reader of Plutarch. The impression was intense. The very system, the very spirit Brutus attempted to crush, was revived and perpetuated, and became a living reality, and this was largely due to his attempt to crush it. It is always absolutely futile and unprofitable to inquire what would have happened if something else had not happened. So, at least, historians always tell us, and then immediately begin to inquire. Following such excellent examples we may inquire what would have happened if Caesar had not been murdered? Ten years of absolute power would have brought to light some of his shortcomings. Diminution of mental power, which had

already begun to show itself, would inevitably have brought about mistakes. He would have shown himself to be fallible and human. But his murder at this crisis saved him. The act of Brutus resulted not in crushing Caesarism, but in a long line of Caesars, all greater tyrants, all inferior rulers, and all men of greatly inferior intellectual power and capacity to the man he slew; potent chiefly in the reflected glory of the dead Caesar, whose name they bore or assumed. It resulted too in the deification of some of the lowest types of the human race. And not only the immediate successors of Caesar, but the Holy Roman Empire itself, which lasted so many centuries, sprang, on the secular side, out of the ashes of the dead Caesar.

The effects of the crime of Brutus, indeed, have hardly passed away even yet. The influence of the reaction it produced may be traced in the rise of that senseless theory of 'Divine right' as applied to rulers of later times, a theory which has no possible logical basis even, except in the great Roman world-empire, one and indivisible, of which, as Professor Bryce tells us, the so-called empires of modern times are mere local imitations or burlesques.

This foolish idea has been at the root of many evils. It has been made an excuse for unbounded tyranny; has produced unreasoning loyalty to undeserving monarchs, such as our own Charles I., for instance, and brought about all the horrors of civil war. It has developed in this country into the Jacobite rebellions and their terrible sequels; in France into the mutually destructive factions of Legitimism and Imperialism, and in Spain into that of Carlism.

These results, of course, may either be regarded as ideally good and soul-inspiring or intrinsically bad and mentally degrading according to our point of view; but, whichever they are, they are the normal sequence of a crime committed by one of the world's ancient heroes, committed for the express purpose of obviating such results, and by one to whom such a sequence would have been abhorrent in the highest degree. The effect too was the greater on account of

the high character of the criminal, for it appears to be characteristic of this special form of crime that the extent of its reactionary influence is in a direct ratio to the intrinsic virtue and purity of motive of him who commits it. The contrast between his general life and his special act makes a more striking impression than if they had been in agreement.

Two instances, one in ancient and one in modern history, may serve to illustrate some of the sequences above referred to. The murder of Philip certainly did not put an end to the Macedonian conquests. Indeed, could any possible event have had a greater influence in increasing their number and importance than the removal of Philip, resulting, as it necessarily did, in the rise of Alexander to the vacant throne? The cause of Philip was favoured by his death through the advent of a far greater leader.

On the other hand, the murder of the Young Pretender, foolishly instigated by the English Government, was not accomplished, but his cause collapsed. If there was one thing that made the Jacobite cause impossible it was the Young Pretender himself. His murder might have made things different. For then there would have come to the front, by the necessity of birth, a man at least of character and stability of purpose. Content to efface himself in his priest's office he would, no doubt, in this event have consented at the call of duty to lead the declining cause. What the result would have been no one can tell, but the chances of a Jacobite restoration would certainly have been increased; for it would have had for its exponent, in place of the feeble, licentious, drunken Charles Edward, the firm, conscientious, and self-disciplined Henry Stuart.

THE NORTHERN TREATIES OF 1719-20.

By J. F. CHANCE, M.A., F.R.Hist.S.

Read March 21, 1907.

IN a paper read before the Royal Historical Society in its last session I traced the northern policy of George I. to the time that the news arrived of the death of Charles XII. of Sweden, ending with the treaty of Vienna signed by Austria, Hanover and Saxony on January 5, 1719. My present paper has for its subject the peace-making which necessarily followed the death of Charles, a peace-making conducted by George I. in accordance with his own views, as modified by the necessity of consulting the wishes of the regent of France and by the recalcitrance of Denmark.

The question for the Swedes was, whether to purchase the help of George against Peter the Great by the sacrifice of Bremen and Verden to Hanover, or to resign to Peter a portion of his conquests in the hope of recovering with his aid their provinces in Germany. Peter was ready to restore Finland, and if he would have given back Livonia and the port of Reval, peace would almost certainly have been made with him.

George, in almost declared hostility with Peter, was bent not only on acquiring the duchies, but on restoring the Swedish barrier which of old had shut out Russia from the Baltic. In this aspiration he had the support of the public opinion of Great Britain, where the tsar's rising power was watched with growing jealousy. His plan was that the German provinces of Sweden should be given up to their present occupants, Hanover, Denmark and Prussia, who

would then take part in a general offensive league against the tsar. A scheme to this effect, emanating, it would seem, from the signatories to the treaty of Vienna, was circulated among the European courts in February.[1] It allowed to Peter only St. Petersburg, Cronslot and Narva and their depending districts, and proposed, if he refused those terms, to deprive him of those places also, and of Smolensk and Kiev as well for the benefit of the republic of Poland. That this scheme was sufficiently in accord with the ideas of George is clear from the despatches of James Craggs, secretary of state, as in the following example to Lord Stair at Paris:—'Y.E. is acquainted with the King's thoughts, which are short, by an alliance to be concluded between Sweden, Denmark, Prussia, Poland, the Emperor and His Majesty to the content of these Parties to recover to Sweden what the Czar has taken from her, and let him come into the treaty nolens volens upon these terms.'[2]

But George was the only one of the parties concerned, unless it were the king of Poland, to whom this scheme was acceptable. In the first place, according to the plan which the Count de la Marck brought to Paris from Sweden at the end of April, and which he claimed to be authoritative, only mortgages of Bremen and Verden and of Stettin, or cession of part of the former, were offered to Hanover and Prussia, and to Denmark only the duke of Holstein-Gottorp's share of Sleswick, with reservation of certain revenues to him. In the second place, Frederick William of Prussia, on the worst of terms with his father-in-law, held obstinately to his alliance with Peter the Great, and would have been content with a mortgage of Stettin only. Thirdly, Frederick of Denmark was bent upon pursuing the war to its extremity, and compelling not only the cession of his share of Pomerania, but the restoration also of the provinces in Sweden lost sixty years before. He sent a special envoy,

[1] Printed by Dumont, VIII. ii. 8; copies sent from different courts in the English and French archives. *Cf.* Droysen, IV. ii. 254.

[2] March 9, o.s., Record Office, Foreign Entrybook 30.

Count Holstein-Holsteinborg, to England early in the year to endeavour to conclude the treaties so long under discussion, and to concert a joint plan of attack. And, lastly, it was essential to consult the wishes of the regent of France, with whom, under the stress of the war with Spain, George was more closely allied than ever.

Now the leading principle of French foreign policy was always repression of Austria. For this reason the interests of Prussia were placed only second to those of Great Britain, and it was insisted that Sweden must retain a footing in the empire. But, if the claims of Hanover and Prussia were to be allowed, this could only be at the expense of Denmark.

The necessity of acting in close unison with France was strongly impressed upon Lord Stair.[1] I need not examine here the vicissitudes of his diplomacy, but may refer for the difficulties he met with to his despatches and to the work of Wiesener. Besides what has been said above, the regent was not at all disposed to a rupture with the tsar. If the Swedes made peace with him, it was desired that France should have her part therein. The first step advocated at Paris was to separate the king of Prussia from the tsar and reconcile his interests with those of Hanover.

But George would not readily give up his Danish ally. Craggs wrote in March: 'The King in interest and in honour cannot think of abandoning him who of all the Northern allies has alone kept any faith with his Majesty.'[2] It was only when Count Holstein's overtures proved impossible of acceptance, when the mission of the Danish Colonel Lövenörn to Stockholm turned out as great a failure, and when it was seen that the Danes were resolved to prosecute

[1] *E.g.* in Craggs's despatches of January 12 and 17, o.s., *ibid.*

[2] March 9, o.s., *ibid.* And Stanhope wrote to Polwarth at Copenhagen as late as June 22: 'Your Lordship may with great truth assure them [the Danes] that Lord Carteret has the strictest orders to espouse their concerns with vigour in his negotiations in Sweden, and that Court shall not fail to be regularly informed by us of every transaction there which may in the least affect them, and may further be assured that no peace shall be made without their privity' (Record Office, S.P. Dom. Entrybook 269.) This, of course, was at a time when an accommodation with Prussia appeared to be impracticable.

the war at all costs, that George began to recede from this position. By the end of April he had decided to accede to the views of the regent and Dubois.

The measures taken by Frederick of Denmark were to send a fleet to blockade Gothenburg and to assemble an army of 34,000 men on the Norwegian frontier. He himself arrived at Christiania on June 24. He continued also his prohibition of trade to Sweden, although the British was withdrawn early in April. Consequently the Swedish government resumed the commissioning of privateers, which had been stopped for a time, and continued to prohibit all trade to the eastern ports. Peter the Great in reply notified his intention of seizing all ships bound for Sweden for so long as the prohibition lasted, but issued later a proclamation that his measures in regard to trade would be reciprocal to those adopted by Sweden. And he too prepared to invade that country on his own account.

The negotiation at Berlin was entrusted once again to the experienced Charles Whitworth, who arrived there on May 16. To Stockholm George sent first Colonel Adolphus Frederick Bassewitz on the part of Hanover, and later the young Lord Carteret as ambassador from Great Britain. In each case separate treaties were proposed with Great Britain and with Hanover. At the same time peace was urgently pressed at Copenhagen, and instances made at Dresden and Vienna, while everything had to be done in close agreement with France. These and at the same time other extremely difficult negotiations concerning the south of Europe were directed by Lord Stanhope from Hanover, whither he accompanied the king in June. Within little more than a year from then no fewer than eleven treaties or conventions were concluded. The ability displayed by Stanhope fully justifies the encomiums which have been bestowed upon him, though the difficulties he met with reduced him to discreditable expedients. They arose from Hanoverian opposition and insistence upon points of electoral interest only, from the fondness of Frederick William for his alliance with the tsar

and his hatred of the king of Poland, and from the impossibility, before he was secured, of sending to Sweden the naval help which was the price of her concessions. The electoral ministers were not only jealous of Prussia, but conscious that an alliance with that Power must entail a breach of the traditional relations with Austria.

My account of the negotiations is taken almost entirely from the English records, aided by such works as those of Wiesener, Holm and Droysen. Doubtless researches in the French, Hanoverian, and other archives would throw interesting light upon them, but without altering, I think, in any essential way the narrative of fact. But, working from one particular line of evidence, it is necessary to be guarded in accepting expressions of opinion. The Prussian Bonet, for instance, in spite of Whitworth's invective, no doubt wrote honestly from London what he thought his master ought to know. And we may believe that Bernstorff was actuated in his opposition to Prussia by a genuine regard for the interests of Hanover, as he conceived them.

What Whitworth had to do at Berlin was to persuade the king that alliance with Great Britain and Hanover was more advantageous for him than dependence upon Russia. Frederick William was convinced of the opposite; he both valued the friendship of Peter the Great and feared his enmity, because of the defenceless situation of Prussia proper. But he saw arrayed against him the allies of Vienna, Hanover, Saxony, and Austria, and he could not seek, as in former times, the support of France against them, because it was given to George. The French envoy at Berlin, Count Rottembourg, was Whitworth's most powerful advocate. Not strong enough to trust his own conclusions, sound and just as they usually were, Frederick William was the prey of indecision, which brought from him those violent outbursts of wrath recorded by Droysen. He wanted the impossible: to be friends with both George and Peter at once. At his own court, though the chief ministers, Ilgen and his son-in-law Knyphausen, were not indisposed to the new policy, a

strong party, headed by the prince of Anhalt and Grumbkow, and backed by the ambassador of Russia, employed every artifice in opposition.

Whitworth was given the most elaborate instructions for his guidance. He was told what subjects of Prussian interest to handle, and how, and what to leave alone, and had minute directions how delicately to feel his way in ascertaining the king's sentiments towards the tsar, and in endeavouring to detach him from that alliance. The draft for the British treaty contained only four clauses : a Prussian guarantee for the Protestant Succession ; a British guarantee of the electoral treaty to be concluded, armed succour being provided for in both cases ; no peace to be made with Sweden unless commerce in the Baltic were restored to its former footing, in whoever's hand the ports might remain ; and the arrears due to Prussia from the war with France to be liquidated. The third condition Whitworth was informed was the principal aim of the treaty ; the fourth he was only to insert if insisted upon, but to use the expectation of payment to facilitate the remainder of his work. The Hanoverian draft was principally a confirmation of the treaty of 1715. So far as regarded making peace with Sweden under its conditions, the principal of which were the cessions of Bremen and Verden and of Stettin and its district, there was little difficulty ; but two clauses, the one requiring the transfer to Hanover of certain Prussian feudal rights and church-patronage in Brunswick-Lüneburg, stipulated in the treaty of 1715, but never carried out, the other in favour of the kings of Denmark and Poland, were strenuously objected to. The rights in question included the 'superioritas territorialis' over three Elbe villages in the extreme eastern corner of Brunswick-Lüneburg belonging to Bernstorff's estate of Gartow. These, commanding the post roads from the Altmark to Lenzen and the north, were of considerable political importance, and the king of Prussia had never been able to bring himself to part with his 'dominium' over them, while Bernstorff and his following were equally obstinate for its surrender. As to the king of Poland, recent acts by whom

had given the bitterest offence, Frederick William absolutely refused to have either him or the king of Denmark mentioned, but on the other hand was importunate to bring in George's enemy the tsar.

The draft treaty was returned to Hanover burdened with a number of conditions in regard to the three villages, which were declared there to render the cession valueless, and with the article about the kings of Denmark and Poland struck out. It was sent back with the conditions cancelled and the article restored, but modified by omission of reference to the king of Denmark. This under the existing circumstances gave considerable satisfaction at Hanover, but in regard to the rest Stanhope informed Whitworth that, if the new draft were not accepted, he must leave Berlin.

This proving to be the case, Whitworth returned to Hanover on June 22.[1] But the issues at stake were of too great importance to allow of this being the end. Stanhope and Whitworth contended strenuously for reconsideration, and Bernstorff was beaten. Stanhope attributes his success chiefly to the influence of the French ambassador Count Senneterre. Most of the Prussian conditions about the villages were allowed, and Whitworth was back at Berlin on July 14. He found the situation favourable, in consequence, he was informed, of advices received from Vienna. In spite of the threats and promises of Count Tolstoi, who now arrived on a special mission from St. Petersburg, and of the use he made of the Vienna treaty of January, he was able to persuade Ilgen to report that the treaties must be proceeded with as they were. The king told him that he now regarded them as made, and would observe them exactly; only he must have assurance that he would not be required to take action against the tsar. It was conceded that a guarantee of Prussia proper against

[1] Craggs wrote to Stanhope, June 17, o.s.: 'The Treaty being broke off, what I write to your Lordship is not very material, but I am extremely glad Mr. Whitworth did go to Berlin, since it not only shows us what we may depend upon from that Court, but shows all the world that the King neglected nothing to be well with them, a point as necessary as any for His Majesty's service at home' (Record Office, Regencies 73).

a possible Russian attack might be given in return for similar counter-undertakings.

On July 22 Whitworth received from the king an autograph letter saying that he would sign the treaties, and congratulating his father-in-law and himself on the happy results of his diplomacy. But five days later everything was again upset. Various news which came to Berlin awakened afresh suspicion of George's honesty.[1] Moved thereby, and conscious of having acted against his better judgment, Frederick William committed to paper a denunciation of England and Austria, which he deposited in his archives to serve as a warning to his descendants to keep the friends they had and to beware of false ones. Occasion to recant was afforded by the question of the three villages. This had been made the subject of a separate convention, which had been committed for examination to the department of State presided over by Grumbkow. The report condemned it, and a fresh draft was handed in, which had to be referred to Hanover. There were submitted besides amended drafts of the Polish article, omitting, according to Whitworth, everything that was essential, and a new proposition, obliging the king of England, both as king and as elector, to come to the aid of the king of Prussia, with as many ships and men as should be necessary, were he attacked in any part of his dominions. Forwarding these to Hanover, Whitworth expressed the opinion that delay was purposely being made to see the results of the Russian attack on Sweden and of the Åland conferences, and that the most important thing was to conclude terms with Sweden at once. Then, he said, you will have this court. He believed the king to be sincere, but suspected the good faith of the ministers. He looked upon the projected mission of Count Schlippenbach to St. Petersburg to explain the real nature of the proposed treaties as an indication that it was intended to complete them.

[1] Among the rest was the news of fortifications being hastily raised on certain islands in the Elbe, islands which Stanhope wished at the bottom of the sea (Droysen, p. 269).

While these exasperating delays were being encountered at Berlin, events in Sweden were progressing with inconvenient rapidity. Carteret reached the capital on July 11. He found the new queen (Charles's sister Ulrica Eleonora had been elected in February, after formally abrogating all the prerogatives of absolute sovereignty established by her father and brother), and her consort the hereditary Prince of Hesse well disposed to receive him, as also Marshal Dücker, so that he had the two chiefs of the army on his side. On the other hand a very powerful party, headed by the chancellor, Count Cronhjelm, preferring peace with Russia, opposed him from the first.

As in Whitworth's case, the important instructions to Carteret were private, his principal ones relating only to the re-establishment of freedom of trade. They contained assurances of personal benefit to the queen and prince if they could prevail, specious explanations of the policy hitherto pursued towards Sweden, representations of the necessity, particularly in the interest of the Protestant religion, of renewed alliance, and arguments to the effect that it would really be an advantage to Sweden to resign her German provinces. A third set of instructions, also private, stated that if the queen and prince would listen to the king's proposals for peace, and if the tsar refused to make such restitution as was necessary for the security of Sweden and the preservation of commerce upon the footing upon which it stood before the troubles, then the king would not only furnish assistance against him, but would employ all his credit and interest to persuade other Powers to furnish supplies which should enable the queen to bring him to reason.

Carteret found that Bassewitz had obtained a promise of the cession of Bremen and Verden upon condition (among others) that Great Britain should oblige herself, in renewing the treaty of 1700, to render help against the tsar in money, troops and ships. The Russian invasion being imminent, he was urgently pressed to send orders to Sir John Norris, now at Copenhagen, to bring his squadron up the Baltic at once.

When he replied that the conditions demanded of Bassewitz could not be accepted, the answer was that, if the ships were ordered up, they would not be insisted upon. He undertook to make the request, if the queen would declare herself to that effect and conclude the Hanoverian treaty. She consented, insisting only that Sweden must retain a footing in Germany. Carteret reflected: 'If the Muscovites land and beat the Swedish troops, there is an end of Sweden; if the Muscovites should be beat, which is most likely, Sweden will then be so elated, that there is an end of the king's business that way; but if she make a peace, which is the most likely of all, Europe, especially the trading countries, will feel the consequences of the Muscovite power in the Baltick.' The fleet, he advised, ought to come up; if the alarm of invasion were false, no great harm would be done.

But Norris's command included only eleven of the line and a frigate, all that could be spared in the exigencies of the war with Spain. The Russian fleet was known to comprise twenty-one men-of-war and four frigates, and it was feared that Danish ships might reinforce it. The Swedes were credited with only a few ill-equipped vessels. Norris therefore could not venture to advance. Stanhope wrote to him on July 11 that the only orders that could be given him at present were to dispose his ships for the best protection of the traders, and to appoint a frigate to convey Carteret's despatches between Ystad and Lübeck. He was informed by Bernstorff that a reinforcement would be sent to him.[1]

[1] Stanhope wrote home (July 1, o.s., Record Office, Regencies 12): 'It were extreamly to be wished that S^r^ John Norris had with him a force sufficient to put himself in the way of the Russes. I am persuaded that, if he had six English ships more than he has, he might barely by shewing himself, without striking a stroak or even declaring himself, entirely defeat all the Czar's designs and save Sweden. By the conversation I have had with Major Finbo, I have reason to believe that S^r^ Jn. Norris himself is of this opinion. He is extreamly satisfyed with the condition and quality of the ships he has, which are very well manned. And tho' I believe that even with what he has he would disengage himself without much loss from the Czar's fleet, yet the disproportion of their number is so great, that nobody can advise he should put himself in their way. And it would be a great misfortune if for want of some more ships, we should lose the opportunity of awing the Czar, saving Sweden, and by giving peace to

When Carteret wrote again, on July $\frac{1}{2}\frac{2}{3}$ and $\frac{1}{2}\frac{4}{5}$, the Swedes were in the sorest straits. The whole Russian fleet lay off the coast, and galleys carrying some 30,000 men had entered the river of Stockholm. Its passages were too well defended to allow them to reach the capital, but the troops landed at various points to burn and pillage. In the south, Stromstad had capitulated to the Danes, and they were now besieging Marstrand. Small wonder that a large majority of the Swedish senators were for making peace with the tsar on any terms. But the prince of Hesse and Dücker stood out. To defend the capital they formed a camp of 20,000 men a few miles out.

The immediate effect, indeed, of the situation was the conclusion not of terms with Russia but of the preliminary convention with Hanover, under Carteret's written promise that the treaty of 1700 with Great Britain should be renewed in a form applicable to present circumstances, and that an express should be sent to Norris urging him to come on and act according to his instructions. It was signed on July $\frac{1}{2}\frac{1}{2}$. 'Our success,' Carteret wrote, 'is chiefly owing to the Czar, he at the gates of Stockholm has reasoned the best for us'; only the expectation of the king's assistance had procured consent to the treaty.

Then came word that the Russians had landed. Carteret gives a graphic account of discussions continued throughout the night, of his hurried morning visit to the camp, of the presentation there of the tsar's ultimatum by Osterman. The Swedes insisted upon a definite interpretation of the word 'applicable' in Carteret's declaration. He was obliged in the end to sign a supplementary paper, which, he says, 'I almost quite changed from what they offered at first, having brought it as low and made it as general and obscure as I could.' He then sent off his secretary William

the North, of defeating the greatest hope which is now left to Spain, that of forming a strong allyance against us in the North. The Lords Justices will therefore consider, whether, being at present entirely free from all apprehensions at home, any reinforcement may be sent to Sr. John Norris.'

Finch[1] to Norris, while the Swedish senators repaired to camp to confer with Osterman.

The principal conditions of this preliminary convention with Hanover were, complete cession of the duchies of Bremen and Verden with all rights and privileges attaching, payment in return of the sum of one million crowns, freedom for and encouragement to British commerce, and renewal of the old friendship and alliance with Great Britain. The parties agreed to send plenipotentiaries as soon as possible to the Brunswick Congress to conclude a formal peace under the mediation and guarantee of the emperor, and to make every effort there to bring about peace also with the kings of Denmark and Poland.

There was no mention of Prussia. Carteret had been specially warned, after his instructions were issued, not to concern himself with Prussian interests.[2] This, of course, was in consequence of the difficulties met with at Berlin. King George awaited the issue of the negotiations there before committing himself to procure the cession of Stettin.

The ultimatum delivered by Osterman contained, as reported by Carteret, demands on the part of both Russia and Prussia. The tsar asked for all Ingria with Reval, Viborg and Kexholm. For Livonia he would either pay a sum of money or hold it without payment for forty years. He would restore Finland and all Carelia excepting Kexholm. The king of Prussia offered to buy Stettin and the country to the Peene, or to accept the same on mortgage for four million crowns, the expenses of the sequestration and of the war, for a period to be agreed upon. Particulars were to be settled at the Åland Congress. Acceptance of these terms was only prevented by the threats of the prince and Dücker to throw up the command of the army, and by the firmness of the queen. In the end a counter-proposal was sent.

[1] Second son of the Earl of Nottingham. He succeeded Carteret in Sweden, and was later appointed to the Hague.

[2] 'Not,' he says, 'that I shall speak openly against that Court, but only with coldness and indifference, when I hear it mentioned' (July 3, o.s.).

Everything depended, Carteret wrote, narrating all that had occurred, upon the coming of the fleet; if it did not come the Swedes could not hold out long.

Before this, Peter the Great had sent frigates to Copenhagen to observe the movements of Norris and to inquire of him the reason of his coming, and whether his intentions were friendly or hostile. He required a written answer, saying that, failing one, he should understand the latter and take his measures accordingly. He disclaimed emphatically any design on his own part against the king of England's interests. With the letter were delivered copies of his manifesto justifying his attack on Sweden, a statement characterised by an honesty unusual in such documents, and of his declaration of June in regard to commerce. Norris only replied that he had been sent to the Baltic to protect the trade of the king's subjects, expressed surprise at offence being taken and the king's anxiety to maintain friendly relations, and said that he had sent the letters on to Hanover.

The uncertainty prevailing there is shown in Stanhope's reply of August 2 to Carteret's first despatches. He wrote of the 'unspeakable difficulties' caused by the doings of the Danes, and urged a peace with them by the cession of Stralsund and Rügen. Were they secured, he said, and if Sweden could furnish eight good ships, then Norris might have orders to advance. If, on the other hand, it were determined to come to terms with Russia, then 'averse as we are to the Czar,' the king would 'equally contribute his best offices to serve them that way.' In that case the treaty should be 'so managed as to lay a foundation of enmity and jealousy betwixt the Czar and Denmark,' the former being obliged to give help against the latter by sea and land. At the same time the necessity of a good defensive alliance with Great Britain should be insisted upon, seeing that no other Power, excepting France, could render equal service. 'Against the Czar they will ever be secure in us of an active and vigorous ally.' In the uncertainty regarding Prussia, that Power should be mentioned as little as possible. Of course, Stan-

hope went on, the guarantee of Sleswick and the German provinces, given under the treaty of 1700, could not under present circumstances be renewed, but till the general peace Sweden would be entitled to receive subsidies equal to the succours therein stipulated.

This despatch threw Carteret into consternation. 'If,' he wrote, 'your Lordship is under unspeakable difficulties, what must I be in? The moment a courier arrives my house is full of Senators enquiring about the fleet.' When he imputed their situation to the refusal to make peace with Denmark, they said that 'all was owing to their relyance upon the King of England. If they had not trusted to his fleet they had made peace with the Czar before any one town had been burnt, and by this time they should have had ample revenge of the Danes. With this they left me.' Carteret implored that Norris might come on; there was nothing, he said, to fear from the Danes, who would never join the Russians. Stanhope's advice that peace should be made with Denmark was taken as an insult. They would not give up Pomerania. If the fleet came, all might yet be well, but if the sea were not opened, Sweden would be starved into submission.

But in spite of Carteret's entreaties, of knowledge that a reinforcement was on its way, and of letters from Baron 'Claes' Sparre, the Swedish admiral-in-chief, saying that eleven men-of-war and two frigates were now ready at Carlskrona and eight frigates and a number of smaller vessels at Stockholm, Norris stayed on in Copenhagen roads. Stanhope instructed him on August 11 that it was neither advisable nor practicable for him to proceed before his reinforcement arrived,[1] for the Danes in their present temper might seize anything that was to follow.

Carteret's second set of despatches with the Hanoverian convention and its ratification reached Hanover on August 5. But Stanhope waited to reply till he knew the issue at Berlin.

[1] Sunderland's invective against Norris (August 4, o.s., see Mahon) would appear to have been undeserved. Such was the uneasiness about the Danes that Norris was even warned that they might attempt to seize his person.

He applied himself to a further contest with his Hanoverian colleagues, and as the result, was able to announce to Whitworth further concessions in the matter of the three villages : namely, consent to the two principal Prussian conditions and to all that was not definitely incompatible with the king's honour. The treaty with Sweden, he said, would be held back pending the king of Prussia's decision, who could not now refuse to sign. He must see the advantage of having Stettin guaranteed to him by Great Britain, France, Hanover, and later by the emperor. His undertakings were nominal, those of the king of England serious. But the latter must have an immediate answer, and if a favourable one were not given within three days from receipt of the present despatch, Whitworth must break off and come away.

There were yet difficulties. Frederick William still strove obstinately against breaking his troth with the tsar. Besides, he was ill at Wüsterhausen, and unable to attend to business for some days. However, after a seven hours' discussion on August 12, the treatics and separate articles were settled with the ministers, and two days later, with certain modifications, they were signed, excepting the second separate and secret article concerning the king of Poland, which was held over.[1]

The provisions of the ostensible part of the British treaty were as previously given, omitting the clause about the arrears. Ranke remarks that it was extremely advantageous for Prussia, her newly acquired possessions being guaranteed by Great Britain, while the security of the Protestant Succession in England was her interest. The Hanoverian treaty confirmed that of 1715 in regard to Bremen and Verden and Stettin, and the mutual succour to be afforded, should occasion arise. It specially guaranteed the said provinces, and stipulated joint measures to be taken for their cession at the peace. The king of Prussia agreed to satisfy the article of the treaty of 1715 regarding the three Gartow villages, and to hand over the documents of cession therein promised ; and it was stipulated that the guarantees now given should only

[1] For Frederick William's views and expressions see Droysen, pp. 273–4–9.

take force from the day that the cession was made and the documents handed over. The two parties agreed to persuade the queen of Sweden to make peace and send plenipotentiaries to treat at Brunswick, to do all they could to arrange preliminaries with Sweden in advance, not to make peace at all unless the cessions were agreed to, and to use every effort to obtain the emperor's consent to them; the king of Prussia, to facilitate this, giving assurance of never having taken or wished to take any engagements with the tsar contrary or prejudicial to the interests of the emperor and the empire. And it was agreed to concert with all the allies of either party, and with such neutral Powers as could be of assistance, the measures to be taken to establish a general peace in the north. The separate and secret article regarding the king of Poland was drafted as follows: The king of Prussia agreed not to trouble him in the peaceable possession of his crown or of his dominions in Germany, nor to do anything against the rights of the republic, the king of Poland undertaking to do nothing to disturb the other's incontestable right to the sovereignty of Prussia proper. When the king of Poland had explained his Fraustadt letter in a manner just and agreeable to the said sovereignty of Prussia, then the latter king would enter into negotiations with him to re-establish a perfect understanding. King George undertook to do all he could with the king and republic of Poland to obtain their recognition of the king of Prussia's quality, as it was recognised by the emperor and other crowns.

Besides the above there were two separate and secret articles attaching to both treaties. George agreed under the first, in case in consequence of the present treaties or of those to be made with Sweden the king of Prussia were troubled in Prussia or in Pomerania by any Power, to send him, to begin with, the succours stipulated under the present treaties, and if that were not enough, further succour sufficient to maintain him and repair his wrongs. And the latter undertook similar reciprocal engagements. The second article

recorded that the two kings would agree upon a sum of money to be paid to the queen of Sweden to facilitate a peace.[1]

Now in order to make the demand for the cession of Stettin, it was necessary to make believe that this had been agreed to with Prussia before the Swedish treaty reached Hanover. At Whitworth's request, therefore, the treaties were antedated August 4, on the plea that they would have been completed then had not the king been ill. The Prussian ministers were with difficulty persuaded to agree to this, because, if we may believe what Whitworth says, it was just at that time that they had been most emphatic in promising the Russians not to conclude peace without them. But considerations of expediency prevailed. Only secrecy was requested for a time, in order that the rupture with the tsar might not be too sudden. So eager, says Whitworth, was Ilgen to discover excuses, that he himself expected to be relieved from the appearance of having directed the manœuvre.

A further piece of cleverness, or of chicanery, was practised by Whitworth on the question of payment of the arrears from the French war, which, as instructed, he had held out as an inducement to the Prussians to sign the treaties. Now he pleaded that, if they were paid at once, it might seem that the signatures had been bought, and so postponed this difficult matter.

There were yet long delays before the treaties were completed. Frederick William insisted upon the demolition of fortifications raised on the Elbe in the neighbourhood of the three villages. On hearing of the orders sent to Norris to destroy the Russian fleet if he could, he wrote, 'The English treaty I have made is my death, for it was the cause of my illness.'[2] There were also difficulties about the terms of the guarantee to be given by France. Not till September 27

[1] Record Office, Treaty Papers 59; the original of the British treaty, *ibid.* Treaties 410.

[2] Droysen, p. 277. As a matter of fact the king was a victim to the prevailing epidemic of dysentery, which had invaded the palace.

were the acts of cession of the Prussian rights in Brunswick-Lüneburg signed. Three days later ratifications were exchanged, and the French guarantee delivered. Then the king wrote letters to Whitworth and to Stanhope expressing his gratitude for their exertions. In November he paid an informal and successful visit to Herrenhausen.

The whole honour, Whitworth wrote, of 'laying the plan' and carrying it through belonged to Stanhope. The king of Prussia's vacillation and distress of mind had been terrible to witness, but Knyphausen was an 'admirable doctor for a queasy conscience.' Now the king was thoroughly pleased, 'and the good queen in the fulness of her joy.'

To procure the cession of Stettin a clause was sent to Carteret to be inserted in the British preliminary treaty. The plea which Stanhope advanced for it was that it had been guaranteed to Prussia by the treaty of 1715. Although, he said, that treaty had lain dormant in consequence of the refusal of the king of Prussia to carry out his undertakings, he had now given satisfaction, and his co-operation in the present juncture, if the Swedes could not come to terms either with Russia or with Denmark, was indispensable. The orders now being sent to Norris, and enclosed, could never have been issued, had not the king been sure of Prussia, and the uncertainty which prevailed on that head had been the cause of the delay in writing. Carteret must solicit a passport for a Prussian minister to come to Stockholm. The sum to be paid for Stettin must be left blank. France also having guaranteed Stettin to Prussia, it would be a pure impossibility for the Swedes ever to recover the place.

The orders to Norris made his advance dependent upon information from Carteret that the British preliminary treaty, with the clause for the cession of Stettin, was accepted and signed. Then, and having received his reinforcement, he might proceed as far as Hanö, and enter into communication with the Swedish admiral, but must not join the Swedish

fleet unless the Russian came down and obliged him to do so. If that did not happen, having obtained the best information possible and weighed all the circumstances, including the probability of the Russians being joined by the Danes, he must thereafter use his judgment as to whether, with the Swedes, he might venture an action with prospect of success. If he thought so, he was to send a letter to the tsar in terms of a threatening character, which Stanhope prescribed. Having allowed sufficient time for an answer, if none were sent, or if it were insolent, he was to join the Swedish fleet and act with it in the manner he should judge most effectual to destroy that of the tsar, 'than which,' said Stanhope, 'a greater service cannot be done to your country.' More positive orders could not be given; the king was happy to have in command of the fleet a man who could be trusted to supply their deficiencies. Norris must also use his judgment as to what was best to say to the Danes. 'You know His Majesty's view, which is to save Sweden, if possible, and to destroy the Czar's fleet. You are the only judge, whether the means you have are sufficient. If you think not, you must not attempt, and consequently not send the letter to the Czar. If you think you are likely to succeed, attempt in the name of God, and be sure of all the support the King can give you, even tho' the event should not answer your expectation.'[1]

A secret despatch to Carteret informed him of the above, and stated that, if the Swedes would not accept the terms offered, he must break off, declaring that the king would do nothing further, and that the fleet would be recalled to England. The worst that could happen would be that he would save a million crowns and enjoy his acquisitions

[1] Cp. Sunderland to Stanhope, August 7, o.s. (Mahon): 'I own I have set my heart upon not losing this opportunity of giving a blow to the Czar's fleet, for besides the solid and lasting good, no one thing would be more popular here.' And Polwarth, August 18 (Record Office, Denmark 42): 'We must look upon the Czar, from what he thinks his intrest, from his views, the sizeur of our merchantships, his late letter to Admiral Norris, and indeed all his management, as undoubtedly an enemy to Britain.'

serenely under the guarantees of France and Prussia, to which those of Russia and Denmark might be added.[1]

As to the payment to be made for Stettin, Carteret was given permission, if the Swedes insisted upon so much, to name two million crowns. This was an unwelcome surprise for Prussia, for the limit of Frederick William's intention had been half a million. Now he was asked to pay double the sum paid by George for Bremen and Verden. But he could not now recede, and had to pay it in the end.

After further correspondence with Sparre, and receiving the report of an officer sent to Carlskrona, Norris determined to advance, 'to give a countenance to Lord Carteret's negotiations,' as he expressed it. His fleet was now a powerful one—eighteen of the line, a frigate and two fireships. It anchored off Hanö on August 28. On the 30th the *Port Mahon* brought despatches from Stanhope of the 24th. Those to Carteret informed him that it was desired to conclude the final or 'solemn' treaty with Hanover at once, rather than to refer it to the Brunswick Congress, that a draft for it was therefore sent to Bassewitz, that it had been arranged to mention in the preamble the good offices and mediation of the king of France as having advanced and facilitated the peace, that like mention ought to be made in the first two separate articles of the British preliminary treaty, or, if that were already signed, in a separate act, and that Sweden should enter into an engagement to listen to no propositions from Spain. Peace with the Danes, the despatch went on, appeared to be necessary to save Sweden, otherwise they might combine with the tsar. Recognition of the king of Poland ought to be obtained as a preliminary to peace with him; an article on this subject was enclosed. If the cession

[1] In a similar spirit we find Robethon reporting to General Bothmer Stanhope's opinion that it might be a good thing for Sweden to accept the tsar's terms, for then the king would be in perfect security, whereas in the contrary case, if he made peace with Sweden alone, he would burden himself with an ally that had no money, ships or troops, and would incur the hostility of Russia and Denmark, and perhaps of Prussia. Peace between Sweden and Russia was therefore not looked upon as a misfortune, seeing that one with Denmark appeared to be impracticable.

of Stettin were agreed to, it was important for the king of Prussia to stipulate in return that he would give no help to the tsar directly or indirectly.

The demand for the cession of Stettin fell on the Swedes as a thunderbolt. Discussions waxed furious, and Carteret said at last, 'the short question was, Would they detach the King of Prussia from the Czar, or not, and give him their provinces at the interposition of the King of Great Britain, or at the interposition of the Czar?' Get them back they could not. But the senators persisted, and the situation was desperate, when a despatch arrived from Norris, 'so prudently and discreetly writ,' says Carteret, that he could show it. This, he continues, 'prevailed infinitely more than anything I could say, turned the balance in my favour.' The treaty was now agreed to with some small alterations, which Carteret disputed, he says, almost to breaking off. But he had to give way, and was obliged also to sign a declaration that Norris would come on to Stockholm at once. To him, said Carteret, the success must be attributed; if what he had done were not approved, himself would take the blame. 'It was as hard in this case for me to follow orders punctually, as it was for your Lordship to give them. I think I have followed His Majesty's intention and the interest of my country.'

The treaty was signed on August $\frac{18}{29}$, and ratified by the queen late the next night, and by George on September $\frac{3}{14}$. The most important part of it was contained in the separate articles. The first confirmed the preliminary treaty with Hanover, and particularly its article ceding Bremen and Verden, the cession, it being stipulated, to have complete effect without any alteration being introduced into it at the final peace-making, and one-third of the million crowns to be paid at once, the remainder at times to be fixed by the formal treaty, work upon which was to be set forward at once. The second promised to Prussia the cession of Stettin and the district between Oder and Peene and the isles of Usedom and Wollin in return for a payment of 2,000,000 crowns,

the cession, however, to be conditional upon the king of Prussia obliging himself to give no help, directly or indirectly, to the tsar against Sweden. The third promised that, if Sweden could be brought to treat with Denmark, the king of England, as soon as such treaty was concluded, would not be content with having assisted Sweden by his good offices and by the subsidy specified, which subsidy was to be continued until peace with Denmark and Russia was made, but even if peace could not be made, would nevertheless join his forces with those of Sweden to act as auxiliaries against the tsar as reasons of war should demand, should he refuse the king of England's mediation and continue hostilities. Under a fourth King George undertook to make pressing instances with France for payment of the most considerable subsidies possible to Sweden until peace was made.

But this was not the final form. In the ratifications preserved at the Record Office the separate articles signed as above by King George differ from those which bear the queen of Sweden's signature. The explanation is that the latter, given the same date, were substituted afterwards.[1] For the regent of France had been prevailed upon to give a French guarantee of the treaty, and his envoy brought it to Campredon at Stockholm, with the sum of 300,000 crowns in gold ingots, just after the treaty was signed there. It was necessary to make mention of this guarantee, and also of French mediation, and that being done, of the mediation of the emperor also, in order to make his acquiescence possible. The first two separate articles, therefore, were altered accordingly. And from further attention to France the fourth was omitted, in order that it might not appear that the French subsidies to Sweden had been obtained by the influence of Great Britain.

It must be said that Carteret's success was not wholly due to the events narrated. He makes no secret, except to write in cipher, of the fact that the senators were freely bribed. Their pressing poverty made the inducement irresistible. The five commissioners appointed to treat had 10,000

[1] Originals, Record Office, Treaties 528, 529.

crowns apiece from Bassewitz, while Carteret was authorised to expend in like manner 10,000*l.* He engaged himself further to 110,000 crowns of Prussian money. Stanhope promised that if this sum were not paid in full value (the Swedish coinage being much depreciated) the balance should be made good out of the arrears owing to Prussia. And here we may note the complaint of the Dutch ambassador, Burmannia, that he was not provided with like funds, and consequently was not listened to. Influential persons, he said, were interested in the privateering which he was endeavouring to stop, and they must be compensated.

As soon as he learnt that the treaty was signed Stanhope sent word of it to Berlin, desiring Whitworth to obtain formal acceptance of the Stettin article and payment of the 110,000 crowns. This he was able to do. The treaty, Stanhope said, must be kept secret until reference to the mediation of the emperor and the mediation and guarantee of France had been duly inserted.

Norris, notified of the signature of the treaty, sent Carteret the letters for the tsar and sailed northwards, joining the Swedish fleet on September 5. An immediate attempt on the Russian fleet was proposed, but not carried out. It was, indeed, already back at Reval, and an attack on that place was decided to be impracticable. According to his own account,[1] Peter withdrew his fleet in deference to the queen of Sweden's entreaties sent by Osterman.

Great rejoicings attended the arrival of Norris at Stockholm, as Carteret narrates. Action against Russia was postponed to the next year, and measures were discussed for it. The letters to the tsar, in terms greatly modified, were sent to the Åland Isles, but were not accepted or allowed to go further. Norris stayed on in the neighbourhood of Stockholm till the middle of November, and then sailed for Copenhagen and home.

[1] Published in *Relation véritable du retour de la Flotte Russienne dans les Ports de Revel et de Cronslot, dressée sur des Journaux Authentiques*, Revel, 1719; copy with Polwarth's despatches, Record Office, Denmark 42.

George was rewarded for what he had done for Prussia by some action on the part of Frederick William against the tsar. Offering, immediately after his visit to Hanover, the joint mediation of Great Britain, France, and Prussia, he covered the offer by instructions to his envoy Mardefeldt, which amounted to threats. But Peter was by no means disposed to give way. His general answer to the representations made was conveyed in the well-known memorial delivered by his resident Veselovsky in London towards the end of the year. Recapitulating from Peter's point of view the conduct of George towards him since 1715, this ended with a strongly worded protest against the minatory letters sent by Carteret and Norris, with the formal assurance that he continued disposed, as always, to cultivate King George's friendship.

There was still delay about the final Hanoverian treaty, chiefly owing to difficulties raised by Bassewitz in regard to the titles given to the queen of Sweden, and on points concerning the internal affairs of the duchies. Carteret complained bitterly. 'My Lord,' he wrote, 'entreat the King to give orders that they [the Hanoverians] do not insist upon trifles, otherwise, with great concern I say it, his business will never be done. . . . If I was to write to your Lp. all, it would make you sick as it does me.' And similarly in other places.

At length the treaty and the documents appertaining to it were signed on November $\frac{9}{20}$. It differed much from the preliminary convention. The majority of the clauses were concerned with the internal affairs of the duchies of Bremen and Verden ceded. I need only speak here of the ninth article, which confirmed the treaties of Westphalia, so far as not affected by the present treaty or at the future peace. It was put in partly out of consideration for France, as a guarantor of those treaties. It would serve, Stanhope had written to Dubois,[1] to stop the mouths of French objectors, and as it would be very ill-received at Vienna, knowledge of

[1] October 8.

it should be kept from that court as long as possible, in any case till the treaty was signed. But reference to a cession of Stralsund and Rügen was omitted. When sending the draft of the article to Carteret[1] Stanhope had said that, while presenting a memorial for that cession, he might intimate that the intention was rather to show the Danes with what vivacity their interests were supported than to compel Sweden to make it. It were better, out of remaining consideration for Denmark, to dispense with the article, but if no other course were possible he might promise, even in writing, to insert it, and risk the consequences.[2] Carteret received these directions with joy ; they would enable him, he said, 'to cut short a great deal of chicane.'

It was in fact decided now that Stralsund and Rügen must be restored. Denmark had failed. Although Marstrand had capitulated on July 26, and the whole of the flotilla in that important harbour had been destroyed and captured, it had not been possible to do anything further. The army had retired from Sweden in the first week of August. The only effect was to embitter the Swedes yet more against the Danes, and to defeat King George's efforts to bring about a peace. Count Holstein, the king of Denmark's best minister, had fully warned his master of this, and that his action was necessarily believed to be taken in concert with the tsar, but his advice had been disregarded. Plain language was used both at Hanover and at Copenhagen ; it was said that, whether there were a concert with the tsar or not, the evil wrought was the same, and that the limit of time within which Denmark could obtain a satisfactory peace might come sooner than was expected.

Yet the Danish demands remained enormous. An ultimatum presented by Holstein at Hanover asked, besides Stralsund and Rügen and Gottorpian Sleswick, for Marstrand

[1] September 30.

[2] 'Vous avez risqué de vous commettre pendant le cours de votre négotiation pour le service du Public, et le Bon Dieu vous a béni. Je me commets peut-être en vous écrivant ceci, mais je feray de mon mieux pour soutenir tout ce que vous ferez en conséquence.'

and the provinces of Bohus, Halland, Jemteland and Herjedalen.[1] Such pretensions were ridiculed. There was offered, in land-compensation, only a British guarantee for Sleswick, conditionally upon King George's mediation being accepted and a cessation of arms agreed to. Stanhope, in a long piece of special pleading, argued that Denmark by accepting a sum of money for Stralsund and Rügen would fare better than Hanover or Prussia, for they had to pay for their acquisitions, and besides had exposed themselves to the resentment of the tsar. And he threatened that if Sweden had to be saved from starvation during the winter by the employment of British men-of-war, the offers of mediation and guarantee would be withdrawn, and the rights of the duke of Holstein-Gottorp to Sleswick be supported. The mediation, it was said, had been accepted by Sweden, and was offered at Copenhagen upon condition of consent to an immediate armistice.[2] A very different document this from Peter the Great's straightforward utterances.

Lord Polwarth at Copenhagen exerted himself to the utmost in memorials and frequent conferences, but the Danes —or, as he intimates, the king—would not give way.[3] On October 10 they delivered a definite answer in writing. Premising that King George had not shown more good-will towards them than they to him in resigning to him Bremen and Verden for a small sum of money, that they earnestly desired peace, having of late borne almost the whole brunt of the war, and that the terms now proposed were really too easy, considering the present state of Sweden, they reduced their demands to Stralsund and Rügen, the province of Bohus with Marstrand and Vigen, and abolition of the exemption

[1] Enclosure in a private despatch of Stanhope, September 1, Record Office, Regencies 12 ; also British Museum, Add. MSS. 2815, f. 134.

[2] Stanhope to Polwarth, September 19, o.s. ; cf. the same, August 16, o.s. (H. O. Regencies 12). Norris was informed on September 25, o.s., that if the Danes continued to molest trade, he must make reprisals (Foreign Entrybook 220).

[3] On Frederick's pertinacity, once he had made his resolution, see Holm, pp. 677, foll.

from the Sound tolls. In regard to Sleswick, it was said, Sweden need only undertake never to interfere therewith. On receiving a British guarantee thereof an armistice should be agreed to and the king of England's mediation accepted. If, in spite of everything, the Swedes would not give up Stralsund and Rügen, an equivalent must be found in land.

Polwarth in reply desired to be informed, without delay or evasion, whether the mediation were accepted or not. Whereupon the Danes partly yielded, accepting the mediation, and agreeing to a removal of the prohibition of trade and an armistice for six months, conditionally upon previous receipt of the guarantee of Sleswick. But they still insisted upon compensation for Stralsund and Rügen in land. The concession, however, was appreciated. 'Certainly,' Stanhope wrote to Carteret, 'it will now be incumbent on Sweden to improve this good temper of the Danes by some facilities on their side.'

The Swedes, on the other hand, in a definite statement handed to Carteret early in October, offered in exchange for Stralsund and Rügen and Marstrand only Wismar, upon condition that it should not be fortified, that no port should be constructed, and that it should not be mortgaged or sold to any other Power. They said that the peculiar tenures of and treaties concerning Holstein and Sleswick obliged the interests of the duke of Holstein-Gottorp to be referred to the emperor, it being hoped that, as he had been neutral in the war, his dominions would be restored to him, or, if that could not be, that he would be compensated to his full satisfaction. Carteret indulges in long arguments in support of these proposals.

Much further correspondence and discussion ensued before a convention between Great Britain and Denmark was signed on October 30. Under its terms Frederick accepted British mediation, and consented to a complete suspension of arms for six months and to liberty of navigation and trade. George undertook to maintain him in peaceable possession of Sleswick against all aggressors as under the treaty of 1715,

the guarantee to continue in force not only during the armistice, but for all time to come, after peace was made; and further to employ his best offices to procure that in the treaty of peace Sweden should engage never to trouble him in that possession. And Frederick agreed, if Sweden could not be brought to cede Stralsund and Rügen, to give them up in return for an equivalent as demanded in his declarations, persuading himself that George would obtain for him at the peace conditions just and equitable.

Among the correspondence may be noted a private letter of Stanhope to Polwarth, authorising him to expend 4,000*l.* or 5,000*l.* in bribing the Danish ministers. After the convention was signed, Polwarth distributed notes payable to bearer accordingly. But the four leading ministers, Wibe, Schestedt, and the two Holsteins returned them. The reason given by one of them, that the offer was premature and the money not yet earned, conveys the impression that acceptance under existing circumstances was difficult. The other beneficiaries did not refuse.

The immediate effect of the convention was finally to separate Denmark from Russia. There was violent recrimination at Copenhagen between the tsar's ambassador Dolgoruki and the Danish ministers. Polwarth reported 'a very strong and threatening memorial' delivered on the tsar's behalf, and 'a pointed and as strong an answer given.' He advised the making of a defensive treaty with the Danes, 'to keep them in heart, and bring them into measures in order to bring the tsar to reason.' When, later, relations were improved, matters were advanced too far for common action.

The Swedish convention for an armistice was signed on October 27 / November 7. It agreed to a suspension of arms for six months, and to freedom of navigation and commerce during that time. It contained a provision against Danish privateers being allowed to sail under Muscovite colours and commissions, and stipulated liberty of transmission of corre-

spondence, as before the war, and maintenance of the *status quo* during the armistice.

But peace was still a long way off. Covering the above Carteret wrote that the Danes would not make it without a strong assurance of keeping Sleswick, nor the Swedes, if they had to admit much more. They looked on the tsar, he said, considering the state of his health and the likelihood of a revolution in Russia after his death, as a temporary foe, but on Denmark as an eternal enemy. Little more was effected in regard to peace between Sweden and Denmark till the following year.

The next work was the negotiation of a treaty between Sweden and Prussia. For this purpose Knyphausen came to Stockholm at the beginning of November. Carteret and the French envoy Campredon acted as mediators, the former being instructed to insist especially upon an article providing for the re-establishment of freedom of trade in the Baltic, whoever might hold the ports. Knyphausen began by broaching a Prussian ambition, overtly disclaimed in deference to the objections of France and England, but ever privately nourished—the purchase of Stralsund and Rügen as well as Stettin. He said that on this condition only would the king of Prussia give active help against the tsar, who could not be reduced without that help. Carteret was taken with the proposal, but the Swedes would not listen to it. Stair at Paris took occasion to press for further subsidies, which should encourage their resolution, and the regent granted not them only, but also a sum of money for the prince of Hesse's private use.

By the middle of January 1720 all important points of the Prussian treaty were settled, excepting in regard to certain tolls levied on the rivers Oder and Peene, which Knyphausen agreed to refer to commissioners. But now he received new orders from Berlin, from which he was enjoined not to depart a single iota. He could not, therefore, sign what had been arranged. But the final British treaty was being delayed till the Prussian was settled, and it was urgent

that both should be signed before the meeting of the Riksdag fixed for January $\frac{14}{25}$, to avoid criticism by that assembly. The two mediators, therefore, took upon themselves the extraordinary course of accepting a treaty signed by the Swedish plenipotentiaries alone, to be ratified, it was hoped, by the king of Prussia later. This and the British treaty were signed on $\frac{\text{January } 21}{\text{February } 1}$, the day before the Riksdag actually opened. Among other conditions, in return for the cessions made, the king of Prussia was to engage in the strongest manner not to assist the tsar directly or indirectly in his war with Sweden, to make every effort in conjunction with the king of England to obtain the restoration of Stralsund and Rügen, and to withdraw his garrison from Wismar as soon as peace between Sweden and Denmark was concluded. Three of the separate articles were concerned with the internal affairs of Pomerania; the other provided in strong terms for the defence of the Protestant religion within and without the empire, particularly in Poland and Lithuania, as under the treaties of Westphalia and Oliva. The mediators promised that, if the king of Prussia did not accept and ratify the treaty within six weeks from date, the document should be annulled. 'I can say one thing,' Carteret wrote, 'which I thinke will please you, that there is not a scrap of publick paper in the world that can shew that the treaty has been dependent upon that of Bremen and Verhden.'

The action of the mediators was justified by the result. Frederick William, caught by Rottembourg and Whitworth at the right moment, accepted the terms prescribed. Knyphausen was able to sign them on March 6, and ratifications were exchanged a week later.

The final treaty between Great Britain and Sweden was a Latin document of very great length and particularity, renewing the defensive treaty of 1700, lately lapsed, with changes and additions suitable to present circumstances. It included elaborate provisions for mutual defence, for the maintenance of the Protestant religion, for freedom of trade

and navigation, for a commercial treaty, and so on. The queen of Sweden guaranteed the Protestant Succession, and promised not to give asylum or any assistance whatever to the Pretender or his adherents, but to deal with the latter as traitors. It was agreed that the military and naval succour to be given might be considered as auxiliary, and need not engage the party giving it in war, or oblige him to cut off all friendship and commerce with the other's enemy; provided that peace should not be made by one party without inclusion of the other. Great Britain was still exempted from paying subsidies while engaged in war with another Power, but the case of the war with Spain was excepted, and Sweden undertook not to listen to any propositions from Spain. Subsidies due under the treaty of 1700 were to be calculated from the conclusion of the war with France, and to be taken into account in assessing and balancing the damages done to trade on either side. In regard to the northern war, if it continued, King George agreed to send to the Baltic in the spring a strong squadron, to be at the queen of Sweden's disposal and assist her fleet in repelling the tsar's attack. If, contrary to expectation, the war with Denmark outlasted that with the tsar, the subsidies stipulated were to be paid during its continuance. And as it was of very great importance that the Baltic should not be under the domination of the tsar, if he refused to make peace and restitution, then the king of England promised to use his good offices with his allies to obtain their help in enabling Sweden to restrain him. The treaty was to last for eighteen years, and to be made perpetual, if at any time thought fit.

There were two separate articles. The first was an engagement to combine in defence of the Protestant religion in the empire and everywhere else. Under the second King George undertook to be a guarantor of the engagements of all treaties of friendship made by Sweden heretofore with Great Britain, and lately with Hanover and Prussia, and of that to be made with Denmark. And he particularly engaged to maintain and guarantee the treaties of West-

phalia both as regarded the Protestant religion and the appropriations to Sweden, so far as these were not excepted from in the treaties concluded or in that to be made with Denmark.

Another work of January 1720 was the signature of preliminaries of peace with Augustus of Poland. They had been in negotiation since September. George took an active part, his main object being to reconcile the kings of Poland and Prussia in order to bring them into line against the tsar. The provisions on which he most insisted were for the security of the Polish Protestants, and that the crown, particularly in view of the electoral prince of Saxony's change of religion, should remain elective; matters of special interest to Frederick William as the foremost champion of the Protestant cause. We may take this Protestant zeal, shown also in the other treaties, to have been, perhaps, a consequence of the Prussian alliance. By a convention, signed at Stockholm on January $\frac{7}{18}$, Augustus was recognised as sole and lawful king, and after him whomsoever the republic should elect, for Stanislaus being reserved a suitable provision to be settled at the formal peace. And it was agreed that, in the solemn treaty to be concluded under the mediation of the emperor, Great Britain and France, the treaty of Oliva should be confirmed in all its articles. These preliminaries remained an empty form for many years. Augustus continued to disregard the rights of the Protestants and the efforts of George and Frederick William in their behalf. He was, however, persuaded to give an explanation of his Fraustadt letter of March 1719, and to declare that there was no question of the 'supremum dominium' of the king of Prussia in Prussia.

While offering mediation, George did not at all desist from his attempts to form a general offensive league against Russia. Every effort to this end was made at Vienna, and Count Flemming, when at Hanover at the beginning of November, was sounded on the subject of Polish help. The price he asked was Courland for a Saxon prince and Kiev

and Smolensk for the republic. But, he said, money must be given, the first use for which would be to pay for the expense of a solemn embassy to the Russian court to make demands. George allowed and provided for the purpose 60,000 crowns, and sought for a like sum from France. The Saxon minister Le Coq was sent to Paris to support Stair in this matter. Stair used every possible argument, whether of his own or of a series supplied by Stanhope.[1] He brought up again the danger of the Swedes selling Stralsund and Rügen to Prussia in return for an army to help them to recover Livonia and Esthonia, if they could not get help from Poland. The regent allowed that the tsar must not become master of the Baltic, and said that he had no consideration for him, partly because he knew for certain that he was making every possible effort to induce the king of Spain to continue the war. But against a grant of the money he advanced various objections, the root of his reluctance being distrust of the Poles. Only the personal efforts of Stanhope at Paris in January obtained it from him, and it was then too late for it to be of use. The Poles, besides, were extremely averse from war; firstly, because of the embarrassment of their affairs; secondly, because they feared the entry of Saxon and other foreign troops into the republic, to the prejudice of their liberties.[2]

The last treaty which lay within the scope of George's scheme was that with Denmark, and here an accord seemed impossible. During the winter all the arguments of Carteret and Polwarth were fruitless. The former obtained with great difficulty permission for a Danish envoy to come to Stockholm, but postponed his coming till the Riksdag should have finished its principal labours, and he himself have obtained from the Swedes the utmost concessions possible. These were embodied in preliminaries signed by them on March $\frac{4}{15}$. All that they accorded, in return for the restoration of Danish Pomerania, was the abolition of the Swedish exemption from

[1] In a long despatch of December 16 from London, Record Office, *S.P.* Dom. Entrybook 414.

[2] James Scott from Warsaw, February 6 and 14, 1720, *ibid.* Poland 26.

the Sound tolls, and a sum of money to be settled at the Brunswick Congress. In regard to Holstein, an immediate fief of the empire, the expectation was expressed that the emperor would obtain its restitution to the duke. The question of Sleswick was referred to Brunswick. Marstrand was to be restored, in the state in which it had been taken, when the final peace was made. It was made an absolute condition that the king of Denmark should give no help to the tsar during the present war with Sweden, directly or indirectly. If the preliminaries were not accepted before the armistice expired, then, it was stated, the Swedes would not further be bound by them.

Both George and Frederick wished the compensation to the duke of Holstein-Gottorp to be what the duke himself desired, and had constantly sought to compass during the summer: his nomination as successor to the Swedish throne. George sought to make the prince of Hesse's assent to this the condition of an advance of money long in negotiation. But he would not hear of it, attributing the proposal to ill-will on the part of the Hanoverian ministers. Carteret, too, opposed the project, and it was not pressed; when brought before the Riksdag it was formally rejected. In April the prince of Hesse, on the queen's proposal, was elected sovereign in her place; he was crowned on May $\frac{3}{14}$ as Frederick I. of Sweden.

The Danish envoy chosen was again Lövenörn, now a major-general. He reached Stockholm on March $\frac{20}{31}$. So far from accepting the terms offered, he still demanded the cession of Marstrand and the province of Bohus. The loss of Stralsund and Rügen, he argued, was definite, the questions of Sleswick and of money-compensation of uncertain issue. But nothing more could be got from the Swedes, though negotiations dragged on till June, after the armistice had expired and had been renewed. In almost every despatch Carteret announced his intention of leaving with Lövenörn for Copenhagen. The latter was not impervious to his arguments, but was bound by orders from home.

But now it appeared likely that, if the Danes persisted in their claims, they might lose even Sleswick. In January an imperial mandate had issued to Hanover and Prussia to make an execution in Holstein, if the Danes would not restore that duchy.[1] This was consequent upon the duke's betaking himself to Vienna, after his efforts to obtain support for his cause in Sweden and at Hanover had failed. It became known, too, that the Russian diplomatists at Vienna were giving him encouragement. This was followed by his sending an emissary of his own to St. Petersburg. It was announced, with foundation, as the sequel showed, that he was to marry Peter's daughter, without foundation, that he was to have Livonia. Then came a letter[2] from him to the queen, his aunt, saying that the tsar had declared his willingness to protect and support him. In accepting this, he assured the queen, he intended nothing inimical to Sweden, only his own security and that of his hereditary dominions. And, later, he repaired to St. Petersburg himself. Further, it was intimated by Polwarth—and the threat was emphasised by repetition—that the British guarantee of Sleswick, lapsing with the armistice, would not be renewed unless peace were speedily agreed to. And Knyphausen told Carteret that though his master had given Denmark guarantees for Sleswick and Pomerania, there were pleas enough to absolve him from them. Prussian troops, he said, would soon bring the Danes to reason.

At length, therefore, the Danes gave up the demand for compensation in land, and discussions were narrowed down to the amount of money to be paid by Sweden, and the question of Marstrand. The final offer and demand were 600,000 and 800,000 crowns respectively ; but here both sides stood

[1] This, Carteret wrote, could not be resisted, as the Danes, if the execution were made, by the laws of the empire would be liable to refund the money extorted from Holstein during seven years, at least double the ordinary revenue of some 200,000 crowns a year (February 10 and 11, o.s.). George was accused of instigating the mandate, but repudiated the imputation strongly, and indeed declined to act upon it.

[2] Vienna, March 16, 1720.

firm, although King George, in his anxiety to bring matters to a conclusion, offered, upon certain conditions, to find 400,000 crowns himself.

At length Carteret took upon himself to act as he had done in the case of the Prussian treaty. He accepted preliminaries signed by the Swedish plenipotentiaries alone on June $\frac{3}{14}$, and at the same time Campredon signed a French guarantee of Sleswick. Then Carteret and Lövenörn set off to explain matters to the king of Denmark at Frederiksborg. They were successful, the treaty was accepted, and signed on July 3. The French guarantee was handed over at the same time, and the British three weeks later. But the greatest difficulties were still encountered in obtaining the ratification of the former, the promise of which had only been obtained by the personal efforts of Stanhope at Paris, and in consequence the exchange of ratifications of the treaty was not effected till October 22, Carteret staying on in Denmark till this was done.

The treaty differed from the preliminaries on the points of Holstein, Sleswick, Marstrand, Wismar, and the compensation in money. The last was fixed at 600,000 crowns. Of Holstein nothing was said; only the king of Sweden undertook not to assist the duke in any way, nor to oppose what should be decided by the mediating Powers in regard to Sleswick. The Danish troops were to be withdrawn from Wismar, and the incontestable rights of Sweden over that place acknowledged. Marstrand was included in the territory to be restored. Such was the meagre return for all the expense and enterprise of the ten years' war.

With the peace with Denmark all that George was able to do for Sweden ended. His efforts to assemble an army to act against Peter the Great in Livonia failed entirely. A British squadron, eager to destroy the tsar's fleet, duly came to the Baltic in 1720, but the fleet kept out of its way. Nor could the men-of-war follow the Russian galleys among the rock-studded shallow waters north of Stockholm; when four Swedish frigates made the attempt they ran aground and

were destroyed ; the tsar's troops landed to ravage unhindered. A naval attack on Reval, unsupported by a land force, was pronounced impracticable. George was reduced to advising the Swedes to make peace with Russia on the best terms that they could get. In October, William Finch, who had succeeded Carteret at Stockholm, was authorised to offer King Frederick 20,000*l.* to be employed among the senators, and 100,000*l.* more, if the expense of a squadron for the next year could be saved. Another bribe was a proposal to make the crown hereditary in his family. But the Swedes would not give in. Another squadron and more subsidies were furnished for their help in 1721, with as little utility as before. Two new causes further diminished the possibility of driving Russia from the Baltic. The one was the financial crash which crippled both France and England ; the other was the sudden death of Stanhope, the prime mover of what had been done since 1716. Sweden was obliged to accept at Nystad terms which she had better, as it turned out, have accepted before. The trust placed in George's power had proved illusory.

As the result of the pacification, then, Hanover benefited greatly, Prussia considerably, Denmark very little. Great Britain was not much affected, for the possession of the East Country by Russia did not bring the ill consequences to commerce that had been feared. And that commerce was of less importance now that every year naval stores were coming in increasing quantities from the American plantations. There are two points to notice affecting general European history : the one, the value to George of his French alliance, without which nothing could have been accomplished ; the other, the ill effect upon his relations with Austria. The emperor was naturally incensed by the conclusion of treaties affecting provinces of the empire without reference to himself. He particularly objected to the mention of his mediation, when it had not been exercised, and to the co-mediation of France. He resented also the alliance with Prussia, as the Hanoverian ministers had always pointed out that he would

do, and showed his resentment by refusing to grant to Frederick William the investiture of Stettin, while George was prevented by his English ministers from accepting that of Bremen and Verden separately. Then there was the persecution of the Protestants in the Palatinate, Saxony and elsewhere, continued in spite of the urgent representations of the two kings. And, lastly, there was the support given to the duke of Holstein-Gottorp, and the approximation of Austria to Russia which followed. The northern settlement aggravated the discord arising from the difficulties of the peace with Spain, and from it sprang some of the causes which in 1725 enabled the treaty of Vienna to be immediately countered by that of Hanover.

DISCUSSION

Sir HENRY HOWORTH drew a parallel between the position of England under William III., hampered by a Dutch alliance, and the same nation under George I. sacrificed to a Hanoverian policy. In both instances this country found itself on the wrong side. The position of Sweden at the latter date was heroical but quite impossible. Russia could no longer be isolated, nor could the expansion of Prussia be hindered with impunity. If Prussia had been given a free hand in Hanover and Poland the political situation in Europe would have been greatly simplified.

Professor C. H. FIRTH wished to call attention to the mass of Foreign State Papers still unexplored at the Record Office. The importance of this collection could be estimated by the present Paper, and Mr. Julian Corbett had also recently called attention to the subject. The action of the Royal Historical Society in promoting such researches would be commended by all historical students.

Mr. R. P. MAHAFFY observed that the partition of Sweden established a precedent for similar arrangements during the eighteenth century and later. England was especially interested in the Baltic timber trade in connection

with the building of ships and houses. The Irish forests were nearly exhausted and Norway 'deals' were cheap and serviceable. In the event of the complete domination of Sweden by Russia these supplies would have been cut off. Hanover was entering on a period of political expansion and was a far more serious rival of Brandenburg for the headship of Germany than was generally supposed.

The PRESIDENT (Dr. W. HUNT) pointed out that the policy of England at this juncture was largely swayed by the necessity of maintaining her naval supremacy and the designs of Russia on the Baltic endangered that supremacy by cutting off the supplies of naval stores. The King's speech in the Parliament of October 1721, had referred to this danger and to the desirability of encouraging the production of naval stores in the American plantations by means of bounties. This was the commercial aspect of the question. In its purely political aspect Sweden was an important factor in the calculations of the Jacobites. Down to the date of the death of Charles XII. they had considerable expectations from this quarter. Subsequently, however, the Jacobites and their Tory allies in Parliament opposed the support of Sweden by the Government of George I., since the success of this policy would have meant the aggrandizement of Hanover. Hence the keen opposition to the vote of the Swedish subsidies in 1720 and 1721.

SOME EARLY SPANISH HISTORIANS

By JAMES FITZMAURICE-KELLY, F.B.A., F.R.Hist.S.

Read May 16, 1907.

WHEN you, sir, were good enough to invite me to read a paper to the Society over which you preside, I was divided between gratification and alarm. To these conflicting emotions is now added a feeling of sympathy for the audience on which I shall have to inflict many dry details. Let me begin by reassuring you with respect to the title of the paper. 'Some early Spanish historians' sounds vague and formidable. 'Some' might mean almost any number; but one has to select, and I shall deal with only three. It may be objected that I speak of Spain as existing in the thirteenth century, whereas Spain was not a political unit till near the end of the fifteenth century. There is a good deal of force in this objection, and I feel bound to meet it, as far as I can. In the first place, 'Spain' is a more convenient expression than the triple forms of Castile, León and Aragón, or Navarre, Catalonia and Valencia; and, in the second place, the sentiment of Spanish nationality existed long before complete political unity was actually achieved. Let me try to show this.

You remember, of course, that Roderick was defeated (Sunday, July 19, 711) near the lake of La Janda, into which are discharged the waters of the river Barbate. (The Barbate is called 'Guadabeca' in Arabic; this Arabic word was confused with the somewhat similar Spanish name of a neighbouring river; and hence the current erroneous notion that the decisive battle took place on the banks of the Guadalete.)

Pent up in the passes of the north, a few indomitable men checked the Arab rush at Covadonga in 718, and in that Cave of Covadonga (near Oviedo) the spirit of Spanish nationality began to stir. On the Asturian hillsides the fighting highlanders fashioned out of their rude Latin a distinctive speech of their own. How fortunate that they did not find refuge further east, for the Basque might have imposed itself on the Peninsula! That would have been an irreparable calamity. I should like to think, sir, that if you and I had been born under a benigner star, we should each have won a splendid reputation as masters of style in Basque. But I am afraid it is not likely. Basque, according to the enthusiastic Erro, is spoken in Paradise, and there is a tradition that the devil studied it for seven years in the Labourd district. He gave it up in despair, having only learned two words : BAI, which means 'yes,' and EZ, which means 'no.' And even these he forgot as he crossed the Pont Saint-Esprit at Bayonne. This, Dr. Hunt, is discouraging to our ambitions. Luckily a form of Latin prevailed, and in an edict of 844 Charles the Bald mentions, as a thing apart, the customary speech—*usitato vocabulo*—of the Spaniards. We have here the first indication of something like linguistic unity in the north and centre, and this consolidated as the reconquest progressed. Nearly four hundred years after Covadonga the Christians reached the Tagus, and when they regained Toledo in 1085, there was among them a genuine sentiment of racial solidarity. A man went with his state or province in domestic quarrels; he was then a Castilian, a Leonese, an Aragonese, a Catalán ; but he was also conscious of a higher claim on him, and, as against the Moslem, he was a Spanish patriot. And cohesion was given to the crusading forces by the successful valour of a soldier from a village near Burgos—Ruy Díaz de Bivar, famous all the world over as the *Cid Campeador* (the Lord Battler).

Masdeu and Dunham denied that the Cid ever existed; by way of compensation other writers maintained that there were two Cids. Both schools were mistaken. There never

were two Cids; and there certainly was one. But, as Cervantes slyly says of him in 'Don Quixote,' whether he did what is ascribed to him is another matter. The Cid of history helped Sancho II. of Castile to win León and Galicia from his brothers. Sancho was murdered at Zamora in 1072, and the Cid of tradition forced Alfonso VI. to swear on the Gospels that he had no hand in his brother's death. Tradition also says that Alfonso VI. never forgave this public humiliation at Santa Gadea, and banished the arrogant soldier on the first opportunity. These are flights of fancy. Probably Alfonso VI. never forgot that the Cid had chased him from the throne of León, and the Leonese nobles took care to keep this memory alive. What is certain is that the Cid was exiled in 1081; that he fought for the emir of Saragossa against the king of Aragón and the count of Barcelona; that, after conquering Valencia in 1094 with the help of the emir, he threw over his allies; that he defeated two Almoravid expeditions sent against him, and flayed Mahometan prisoners alive; and that, after being reconciled to Alfonso VI., he virtually ruled Valencia as an independent king (in Alfonso's name) till his death in 1099.

Observe the difference between history and legend, fact and poetry. The chief whom Döllinger calls 'a faithless and cruel freebooter' is transformed by Corneille into a starry paladin; the mercenary in the pay of Saragossan emirs is held up as the model of self-sacrificing patriotism; the sacrilegious plunderer of churches and sanctuaries is exalted as the captain of orthodoxy, so that Philip II. sought to have him canonised; and, lastly, the bluff raider who never loved —who married Jimena (Corneille's Chimène) to mollify her cousin Alfonso VI., and to obtain her dowry—this unsentimental trooper appears upon the stage as an irresistible *jeune premier*.

The contrast is striking, and assuredly the Cid was not a pattern of virtuous consistency. But let us not over-colour the picture. It is true that he plundered; but it was the custom of the age, and, without the inducement of booty, he

would have found no followers. His alliance with the emir of Saragossa was condoned because he duped his ally, and used him for the aggrandisement of Castile; he preserved in all his lapses a simple, unquestioning piety; and even the Arab chroniclers speak of him as 'a miracle of the Lord in his love of glory, strength of character, and heroic courage.' 'Victory always followed his banner,' says Ibn Hassam. And his warlike deeds fired the popular imagination of his race. He had shown on fifty stricken fields that the natives of the centre could hold their own against any odds. He infected his people with something of his own invincible gallantry. He stood for the supremacy of Castile over León; he became the symbol of racial unity. One of his daughters wedded a count of Barcelona, the other a prince of Navarre. His blood ran in the veins of the kings of Castile, and later in the veins of the Bourbons, the Hapsburgs, the English kings. These marriages flattered local pride. It was murmured that as one Roderick had lost Spain, another Roderick would win it back again. In the black night between the disaster of Alarcos (1194) and the crowning mercy of Las Navas de Tolosa (1212) the Cid was remembered as the one man who had never despaired of triumph and of his native land. Unconsciously he had welded together heterogeneous elements; he had made a nation. The political unity of the country was within sight and assured in the minds of optimists. 'Spain' had ceased to be a mere geographical expression; it was currently used to describe the whole extent of territory occupied by the Christian hosts. Hence I feel justified in following the example of the most important of my three historians; a man who, though born in Castile about twenty years after the Cid's death, considers himself a Spaniard, and entitled his work the 'Chronicle of Spain.' And now, sir, having cleared the ground by this explanation, I am free to address myself to the subject-matter of the paper.

The earliest body of historical texts produced in Spain is the collection known as the 'Corpus Pelagianum' which ends

with the year 1109, and is called after Pelayo, bishop of Oviedo, who got together the materials. The 'Corpus Pelagianum' is in four different compartments, independent of each other: (1) the chronicles of Goths, Suevi and Vandals, written by St. Isidore of Seville—*beatus et lumen noster Isidorus*—who died in 636; (2) a chronicle usually ascribed to Sebastián, bishop of Salamanca, but really the work of Alfonso III., and therefore compiled at the very dawn of the tenth century; (3) a sequel attributed to Sampirus, bishop of Astorga; and (4) a conclusion supplied by Bishop Pelayo himself, who died in 1143. There are other historical texts which are accessible in the pages of 'España Sagrada,' in Berganza's 'Antiguëdades de España,' and in Mommsen's 'Monumenta Germaniae' [vol. xi.]; but these may be neglected here as being compilations of local and secondary interest, though, like the 'Corpus Pelagianum,' they were duly utilised by Bishop Lucas in his Latin 'Chronicon.'

I have known students to be momentarily puzzled by references in Spanish books to a mysterious writer called *El Tudense.* To so learned an audience as this it is superfluous to mention that Lucas occupied the see of Tuy early in the thirteenth century, and to add that *Tudense* is the adjectival form of Tuy. Bishop Lucas was what Mr. George Meredith calls a writer 'of large embrace,' for in his 'Chronicon' he continues St. Isidore's narrative, and, by way of introduction to the history of Spain, he tells the story of the world from the time of the Creation. His work may be divided into three distinct sections—the first, which is essentially an attempt at universal history; the second, which is a history of Spain during the Gothic domination; and the third, which is a chronicle of events in the northern provinces to which the inhabitants of the centre escaped from the pursuit of the Arabs. So far as I am aware, Bishop Lucas's 'Chronicon' has only been printed once, and then at a very late date (in the fourth volume of Andreas Schott's 'Hispania illustrata,' 1608), but subsequent writers drew upon him to such

an extent that we may safely assume the existence of numerous manuscript copies of the 'Chronicon,' and there still exists in the Biblioteca Real at Madrid a Castilian translation of the work, followed by a narrative of events up to the accession of Alfonso X. in 1252.

Somewhat more critical, and distinctly more important, than Bishop Lucas's 'Chronicon' is the 'Historia Gothica' of the celebrated archbishop of Toledo, Rodrigo Jiménez de Rada, who was born in 1170, and died in 1247. Like Lucas of Tuy, Jiménez de Rada wrote in Latin, and his history was compiled, it is said, at the express command of St. Ferdinand of Castile. He has the advantage of Bishop Lucas in method, for he omits superfluities, condenses the narrative of the early period, and is less credulous in accepting legends and traditions as facts. His work, which comes down to the year 1243, was destined to have a wider circle of readers than the 'Chronicon' of Lucas—partly because of his personal prestige and great official position, partly because of its intrinsic superiority, and partly also because (at the request of St. Ferdinand) it was at once translated into Spanish under the title of the 'Estoria de los Godos.' There has been a good deal of controversy as to whether Jiménez de Rada was himself responsible for the Spanish version of his work; the balance of probabilities has always seemed against this notion, and the available evidence is extremely slight. However, in Spain (and perhaps in other countries) absolute suspension of judgment is a rare mental attitude, and the mere absence of direct testimony has not prevented a series of polemics on this minor point. For my own part, on this subject as on many others, I am content to take refuge in a resigned agnosticism. What is certain is that there were several translations of Jiménez de Rada's history in Castilian, as well as a translation into Catalán which dates from the year 1266; and one of these Castilian versions is attributed, without any very good reason that I can see, to the Infante Don Juan Manuel, nephew of Alfonso X., and author of 'El Conde Lucanor,' one of the earliest masterpieces of imagina-

tive prose in the Castilian language. Professional scholars no doubt read Jiménez de Rada in Latin, either in manuscript, or in the printed editions of 1545, 1579, 1603, or in the admirable 1795 reprint which we owe to Francisco Antonio Lorenzana de Buitrón. The Castilian version was not printed till 1871–2, when it appeared in the 'Acta' of the University of Lund under the editorship of Professor V. E. Lidforss; but the publications of Swedish universities do not circulate widely in Spain, and in 1887 the 'Estoria de los Godos' was published again in the 'Documentos inéditos para la historia de España.' The crucial point is that the 'Estoria' in the vernacular had attained a considerable popularity outside the clerkly class, that it promoted an intelligent and patriotic interest in history among the ordinary educated circles of society, and that the first step had been taken towards founding a national school of historians. We cannot call Rodrigo Jiménez de Rada himself the founder of this school; he came from Navarre, wrote in Latin, and was indebted for his training to the Cluny monks who poured in from France. But he prepared the way for the true founder of the Spanish historical school, Alfonso X. of Castile, the son and successor of St. Ferdinand, whom all Spaniards know as Alfonso *el Sabio*.

Alfonso *el Sabio* usually figures in English books as Alfonso the Wise, and, as his reign was a troubled one (in great part owing to the rebellion organised against him by his son Sancho *el Bravo*), the king, who did more for the intellectual progress of his country than any other monarch in history, has been the subject of mild academic jokes insisting on the inappropriateness of the adjective attached to his name. Well, Mr. President, the incursions of politicians into literature and learning are not always successful, and perhaps the incursions of scholars and men of letters into politics are no happier. I am quite prepared to abandon Alfonso's reputation as a statesman to the tender mercies of historians, but before doing so I take leave to point out that *sabio* does not mean 'wise'—it means learned—and that Alfonso X.

should be known as Alfonso the Learned. He certainly deserves the title, and in such a company as the present learning may not be regarded as an absolute disqualification for affairs. He was a greater scholar than James I. of England, he was placed in a more critical and dangerous position, and perhaps our President could tell us that Alfonso the Learned was not the only historian, nor the last historian, whose judgment of contemporary politics was unsound.

Whatever his faults of character (and they were not small), whatever his deficiencies as a ruler, he paid dearly for them in his lifetime, and he has been severely treated at the bar of history. *Dumque cœlum considerat observatque astra, terram amisit:* so the greatest of all Spanish historians, the Jesuit Mariana, says in a famous passage. It would be foreign to my purpose, and probably vain, to ask for a reversal of Mariana's judgment against Alfonso the ruler. But this is surely the most appropriate time and place to speak of Alfonso the historian, and I propose to deal with some current misconceptions concerning the great historical work with which Alfonso the Learned's name is associated. Everybody has long known that Alfonso was responsible for a 'Crónica general' (or 'Estoria de España') composed between 1260 and 1268, and for a 'Grande e general Estoria' begun in 1270. The latter may be dismissed as a contribution to universal history. The 'Crónica general' or 'Estoria de España' is a history of Spain written in the vernacular, and extending from the earliest times to the death of Alfonso the Learned's father, Ferdinand III. of Castile (St. Ferdinand). Till quite recently we were all under the impression that we had read Alfonso's 'Crónica general' in the edition published at Zamora in 1541 by Florián Docampo, the official chronicler of Charles V., or in the Valladolid reprint issued by Sebastián de Cañas in 1604. There were constant complaints as to the rarity and high price of copies; there were constant demands for a new and cheaper issue of the 'Crónica general,' and there were laments over the dilatoriness of Spanish scholars in supplying what was asked for. But, though no

serious student supposed that Docampo's edition was perfectly satisfactory, very few, even among specialists, doubted that we were in possession of a fairly adequate, and certainly authentic, text. This turns out to have been a complete delusion.

It is easy to be wise after the event, and, on looking back we perceive that we should have been more on our guard. Let me state the circumstances. Jerónimo de Zurita, the most austerely scientific of classic Spanish historians, the great scholar who has bequeathed us the 'Anales de la Corona de Aragón' (published between 1562 and 1580, and not yet superseded), had collated Florián Docampo's text with an ancient manuscript of the 'Crónica general,' and had observed numerous differences, many mistakes, and such little oversights as the omission of a whole reign. Gonzalo Fernández de Oviedo y Valdés, the secretary of 'the Great Captain,' Gonzalo de Córdoba, and author of the 'Historia general y natural de Indias,' published in 1552, had already remarked upon the discrepancies of the manuscripts of the 'Crónica general': 'not one of them (at least of those which I have examined) is identical with any other, and in many respects they differ entirely.' This might have been discounted as the petulant outburst of a rhetorician in a heat, but Zurita's precise statement cannot be dismissed so unceremoniously. Coming from this grave judicial writer it carries great weight, and it should have set scholars on the alert. It did, in fact, stir the zeal of Spanish students for a while. Between 1625 and 1634, at the beginning of the reign of Philip IV., the king and the Cortes commissioned Tomás Tamayo de Vargas, the official chief chronicler of the Indies, to collect the necessary materials for a satisfactory reissue of 'the general and particular chronicles of Spain. Tamayo de Vargas appears to have laboured indefatigably at his task, but not a step towards publication had been taken when he died, on September 2, 1641; it may safely be presumed that funds were not forthcoming. Still, the project was not wholly abandoned, and in 1683 Charles II. and the Council of Castile instructed Juan Lucas

Cortés to take up the work which Tamayo de Vargas had left unfinished. Cortés was an excellent scholar, and besides being the owner of important manuscripts of the 'Crónica general,' he had access to the rich collection of his patron the Count de Villaumbrosa. Great things were expected of him; but he was absorbed by his official duties as member of the Supreme Council of the Indies, and he died without accomplishing anything towards purifying the text of the 'Crónica general.'

Both these ambitious enterprises ended in failure, and, as it turned out, the attempt to produce an adequate text of the 'Crónica general' was premature; the manuscripts were not properly classified, and even if they had been accessible the critical canons of the time were such that the work must inevitably have been done over again. But though Tamayo de Vargas and Juan Lucas Cortés were baffled, their efforts were not altogether thrown away. If they did nothing else, they stimulated interest in the subject, and they brought home to the minds of the scholars of their generation the untrustworthiness of the printed texts. This is amply proved by passages in the Marquis of Mondéjar's 'Corrupción de las crónicas impresas de nuestros reyes,' the first chapter of which is entitled, 'The bad faith and insufficient application of Florián Docampo in the edition of the General History.' Mondéjar's destructive criticism is extremely acute, and there is no exaggeration in saying that it was a long while before any subsequent writer discussed the subject with equal competence.

Throughout the early eighteenth century, for one reason or another, there was a steady decline of intelligent interest in the matter, and the foundation of the Academy of History in 1738 produced no immediate improvement. At last, in October 1794, it was suggested by the Academy of History that the entire works of Alfonso the Learned should be published, and four years later Charles IV. issued a royal decree authorising the publication, and providing for the expenses out of the Privy Purse. But the proposal hung

fire; the first instalment of Alfonso's legal works appeared in 1807, and, owing to the disturbed state of the country during the Peninsular War and the ensuing reign of Ferdinand VII., publication was not resumed till 1836. Then the Academy of History was free to attend to the 'Crónica general.' Perhaps the series of military *pronunciamientos* which distinguished the regency of Cristina and the reign of Isabella II. may be responsible for the delay that followed. In any case, it is impossible to accuse the Academy of History of acting with undignified haste, and it is only fair to add that no sound of impatience was heard in Spain. The truth is that the lessons taught by Tamayo de Vargas, Juan Lucas Cortés and Mondéjar had been forgotten; the intellectual energies of the Spanish people were divided between politics and literary romanticism; and even the bulk of native scholars had subsided into a languid acceptance of Docampo's text as the only text that they were ever likely to have. Foreign scholars were unable to imitate this example of placid fatalism, and in 1860 Wilhelm Holland produced a critical edition of the episode of the Infantes de Lara as recounted in the 'Crónica general.' In 1863 the Academy of History again turned its attention to the 'Crónica general,' and commissioned three of its members to prepare an edition; but it took no further steps in the matter, and the three commissioners appear to have followed the Academy's lead. Three volumes of 'particular chronicles' were included by Cayetano Rosell in the 'Biblioteca de Autores Españoles' from 1875 onwards, but Rosell frankly announced that, as the Academy of History had shrunk from publishing a new edition of the 'Crónica general,' he regarded such an enterprise as wholly beyond the powers of a private person like himself.

This, then, was the position when the students of my generation began their historical studies nearly thirty years ago. Nobody imagined that Docampo's text was ideally perfect—one soon learns that ideally perfect texts do not greatly abound in this world—but nobody knew how

defective it actually was, and we settled down to the belief that we had before us an authentic text of Alfonso the Learned, though it was disfigured by many blemishes of detail. We remained under that comfortable impression for over twenty years—till 1898 in fact, when Ramón Menéndez Pidal brought out his 'Leyenda de los Infantes de Lara,' and his 'Catálogo de la Real Biblioteca (Crónicas generales de España),' two works of capital importance which completely changed the aspect of the question. Judging from some recent works on Spanish history, the results of Menéndez Pidal's investigations are much less widely known than they deserve to be, and so I make no apology for summarising them briefly, and pointing out the distance which separates Florián Docampo's edition from the text of the genuine 'Crónica general.' They are startling.

In the first place the authentic text of Alfonso the Learned's 'Crónica general' does not appear to exist in the original Castilian—at least it has not been discovered up to the present—but it survives unadulterated in a Portuguese version which has been preserved to us in two manuscripts: one in the Biblioteca Nacional, and the other in the Biblioteca Real.

Secondly, it is established that the Infante Don Juan Manuel, whom I have already mentioned as the author of 'El Conde Lucanor,' compiled an abridgment of his uncle's 'Crónica' in 1335 or thereabouts, and this abridgment survives under the title of the 'Crónica abreviada.' This is the first departure from the authentic text.

Thirdly, in 1344 some unknown writer recast the original 'Crónica general,' introducing into his compilation a number of picturesque legends, drawing especially from Muḥammad al-Râzî of Córdoba, whose work reaches us as the 'Crónica del moro Rasis' (a fourteenth century translation based on a previous Portuguese version made by a certain Master Muḥammad in collaboration with a priest named Gil Pérez). This recast is dated January 21, 1344, and is conveniently referred to as the 'Crónica' of 1344. Two stages

in the process of recasting are observable in the two extant manuscripts of the 'Crónica' of 1344, and it seems beyond doubt that the anonymous compiler had before him—not Don Juan Manuel's 'Crónica abreviada,' but—the authentic, unabridged Castilian text of Alfonso the Learned's 'Crónica general.'

I have just spoken of the compiler as anonymous, and so he is; but there have been several attempts to identify him. Both Docampo and Garibay were of opinion that the 'Crónica' of 1344 was put together by Alfonso XI. of Castile; but they give no reasons to support what is, at best, a more or less plausible conjecture. The historian Morales in the sixteenth century, and Amador de los Ríos (the well-known writer on the history of Spanish literature who died less than thirty years ago) were agreed in thinking that the 'Crónica' of 1344 was compiled by the Infante Don Juan Manuel; but with all respect to this distinguished couple, their conjecture is quite the reverse of plausible. Whoever he may have been, the compiler of the 'Crónica' of 1344 adds to the original nucleus which he had extracted and accommodated from the 'Crónica general' an account of the reigns of Alfonso X., Sancho IV., Ferdinand IV., and Alfonso XI., ending with the battle of Tarifa in 1340. If Don Juan Manuel really wrote the account of the intrigues, combinations and civil wars in which he played so prominent and so dubious a part, he must have been a miracle of impartiality. All that we know of Don Juan Manuel shows him to have been a vehement partisan. We must refuse to make the large assumption that his whole nature suddenly underwent a radical change, and must be content to admit that the compiler of the 'Crónica' of 1344 is unknown to us.

Fourthly, subsequent to the compilation of the 'Crónica' of 1344, some other unknown compiler abridged the contents of the 'Crónica general,' and interpolated into his summary passages taken from the 'Crónica' of 1344. This abridgment appears to be lost for the present, but there is no doubt that it existed, and so much new material has been discovered

recently that we should not despair of finding this missing summary. As things are, it is represented by four derivative manuscripts.

Fifthly, it has been shown by Menéndez Pidal that this vanished abridgment is the source of the compilation known as the 'Crónica de los reyes de Castilla,' and—this is the main point to which I am leading up—it is also the source of the text of the 'Crónica general' published by Florián Docampo at Zamora in 1541. A certain element of confusion has been introduced into the inquiry by the statement of the celebrated bibliographer Nicolás Antonio, who referred to an 'Historia general de las cosas de Españâ' compiled, as it was alleged, by Manuel Rodríguez de Sevilla in 1434; but this is a false alarm for, on examination, this 'Historia general' proves to be the 'Crónica' of 1344.

I am afraid that I have tried your patience with this prolix disquisition, but there was no means of avoiding it if the facts were to be made clear. We are now able to see the number of removes at which the 'Crónica general'—as printed by Docampo—lies from the authentic text drawn up by Alfonso the Learned. We have—

1. The genuine 'Crónica general,' which we may call the 'Primera Crónica general.'

2. The 'Crónica' of 1344, which we may call the 'Segunda Crónica general.'

3. The vanished abridgment, which we know only by its derivatives.

4. The 'Crónica general' published by Florián Docampo which we may call the 'Tercera Crónica general.'

From this demonstration, then, it follows that what we have hitherto been reading is merely a third-hand (perhaps a fourth-hand) version of Alfonso's 'Crónica general.' Manifestly we must begin our study of the text anew. It is true, according to Menéndez Pidal, that the differences between the genuine text and Docampo's text are comparatively slight in the first part (which ends with the Gothic invasion), and in the second (which ends with Roderick's overthrow); we shall

therefore not find much to revise as regards these two parts, which are based upon the works of Bishop Lucas of Tuy and Jiménez de Rada. But with respect to the rest of the 'Crónica general,' where the variations are both numerous and substantial, we shall be on new ground. Here old 'Cantares de Gesta' (*chansons de geste*) of which no other trace exists, are quoted as authorities, and here the Arabic chronicles have been utilised. In chapter 909 passages of considerable length are quoted in the original Arabic, with Castilian translations appended for the use of the laity; in chapter 911 an Arab chronicler is mentioned by name, 'And Abenalfarax says in his Arabic, whence this narative was taken,' &c. As against this, there is a reference to a purely imaginary crusade of Mahomet's against Córdoba, which has been quoted as indicating complete ignorance of Arabic history. No doubt this reference does indicate ignorance, but it also indicates that the 'Crónica general' was a composite work in which many hands collaborated. It is quite incredible that anyone who was capable of translating from the Arabic could have believed in Mahomet's crusade in Spain; and in Spain, as elsewhere in Europe, those who did not know Hebrew or Arabic drew upon their imaginations for facts concerning Jews and Mahometans. The eloquent Capuchin Henricus Seynensis has won for himself an unenviable immortality by writing of 'Rabbi Talmud' in the 'Anni Ecclesiastici'; and I remember to have seen in a Latin translation of one of Luis de Granada's mystical treatises, published by Michael ab Isselt at Köln as late as 1608, an amusing description of the Koran as a distinguished lawgiver, 'Coranus ille insignis eorum legislator.' The worst mistakes in the 'Crónica general' are venial by comparison.

But the fact is that our criticism of Alfonso the Learned is, at the present stage, futile. It may be acute enough, and yet be beside the point. For anything we know to the contrary we may be criticising a passage which Alfonso never wrote, nor caused to be written; our acuteness may be wasted on the undeserving Docampo, or on one of the insignificant

but destructive compilers who intervened, and mishandled the text before Docampo was born. We must not lose sight of the fact that, besides the compilations already mentioned, there is a 'Cuarta Crónica general,' a rearrangement of the text made in 1404, and others which it would be tedious to describe in detail. Roughly speaking the text of the 'Crónica general' had been constantly and vigorously manipulated for nearly two centuries before Docampo's day, and in that length of time a good deal may be done in the way of interpolation, embellishment, and omission by a body of indefatigable scribes.

Before we can criticise the substance or the manner of the 'Crónica general' to any good purpose, we must evidently have the true text before our eyes; and, as the manuscripts of the Castilian original have not been discovered, the chances of our obtaining such a text may seem slight. But the resources of modern scholarship are considerable, and though we may never have the text of the 'Crónica general' precisely as Alfonso wrote it, or caused it to be written, we may have the next best thing to it: a critical reconstruction of the text based upon the two Portuguese manuscript versions of the original 'Crónica,' collated with every extant Spanish manuscript of the history. The task which, for over three centuries, has been too much for official historiographers and academic bodies, has been undertaken by an eminent private scholar, Ramón Menéndez Pidal. And he seems likely to succeed where his predecessors have failed. Since this paper was announced he has issued a volume of 800 closely printed pages which contains the reconstructed text of the 'Crónica general,' to be followed by a volume of elucidations and commentary. You have remarked, of course, that in dealing with such an edition friendly critics speak of it as 'eclectic,' and hostile critics as 'made-up.' It is possible—it is even extremely probable—that Menéndez Pidal has not invariably chosen the best of the many variants in the manuscripts; but he has performed a great public service in restoring, as near as possible, to its original form the first great historical

work written in Castilian. One has but to compare any chapter in the latter part of Menéndez Pidal's text with the corresponding chapter in Docampo to see what has been accomplished : the innumerable variants at the foot of every page suggest the diligence of a whole community of Benedictines. It is an admirable achievement, but we shall be able to judge its value better when the second volume appears.

In this he promises to set forth his methods, and to give the sources from which Alfonso the Learned drew ; this will be an immense addition to our knowledge, and a great contribution to the good cause of historical scholarship. How far the new text may help to modify our conclusions in the domain of history proper it is, as yet, too early to say ; but that it will modify them to some extent is certain, and it will probably produce considerable results in philology and literature. The process has, in fact, already begun. You know that, in the 'Poema del Cid,' the Spaniards have an epic poem which stands, in point of time, between the 'Chanson de Roland' and the 'Nibelungenlied,' and which, even in its present mutilated condition, deserves to rank beside them. With the exception of the 'Rodrigo' (a poem of much later date, at all events in its present form), the 'Poema del Cid' is the solitary representative of what must have been a copious epic literature ; it is the jetsam of a great body of epic songs which foundered soon after the time of Alfonso the Learned, and which seemed irrecoverably lost. The 'Poema del Cid' owes its preservation to the inspired caprice of a certain Per Abbat who chanced to write down what he may, perhaps, have heard declaimed by wandering *trovadores*. By a similar happy accident Alfonso the Learned, himself a poet of rare accomplishment, has included in the 'Crónica general' fragments of 'Cantares de Gesta' which, by their lofty inspiration as well as by their rhythmical assonantic character, are distinguishable from the numerous prose in which they are embedded. The researches into the textual history of the 'Crónica general' have lately enriched Spanish literature with a splendid fragment (300 lines long) of an epic poem on

the murder of the seven Infantes de Lara—a poem perhaps older than the celebrated 'Poema del Cid,' and unquestionably more remarkable for its dramatic intensity and barbaric beauty.

This, however, is by the way. We cannot reasonably hope for another such literary find. We may, however, get some insight into the methods of historical composition prevalent in a country which was almost free from external European influences; we may learn what basis there is for the reports which mention Egidio de Zamora, Jofre de Loaysa, Martín de Córdoba, and Suero Pérez (bishop of Toledo) as the chief collaborators in the 'Crónica general.' If there be any truth in saying that 'a historian is seen at his best when he does not appear,' then Alfonso the Learned shows to extraordinary advantage; but perhaps we may be enabled shortly to gauge the worth of the secular tradition which attributes to the learned king an active personal share in the final revision of what, with all its defects, is a monumental work. But, even if these expectations are unfulfilled, we shall still be the gainers, for we shall at least be rid of the accumulated errors of centuries. That alone is a great step in advance. The Germans have a most useful word—*quellenmässig*, which means 'drawn from the very sources,' and, as the late Lord Acton somewhere says, a work that is not *quellenmässig*, however meritorious as a literary exercise, is not to be treated seriously as a contribution to history. I am not bold enough to say that we are in a position to write a *quellenmässig* book on the political evolution of Spain during the Middle Ages; but we are nearer to it than we were before. One important source is now, at last, made accessible. I hope you will agree with me in thinking that it is an immense gain to have an historical document, so venerable, so curious and so interesting as the 'Primera Crónica general,' restored as far as may be to its integrity; and that the recent laborious investigations, which remind us so forcibly of our own and other people's fallibility, deserve the respectful attention of historical students.

THE COMMERCIAL RELATIONS OF ENGLAND AND PORTUGAL, 1487–1807

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ROUGHLY speaking the modern history of Anglo-Portuguese commerce falls into two distinct parts, the period before and after the momentous treaty of 1654.

From the end of the fifteenth century up to 1580 the commercial interests of England and Portugal were overshadowed by their rivalry for the trade of Africa. As yet, England put forward little claim to a share in the riches of the East. Henry VIII. did, indeed, attempt to bargain with the Portuguese king for a part in one of the Portuguese expeditions to India.[1] His overtures were rejected, however, and the English concentrated their attention on the trade with Africa. But the Portuguese guarded their possessions in Barbary and Guinea as jealously as their treasure-house in the East. By the middle of the sixteenth century the question grew acute. Philip and Mary forbade their subjects to trade in places under the king of Portugal's government.[2] The merchants ingenuously pleaded that they did no such thing ; they merely lay in their ships off the coast, and the natives came to them in boats and traded with them : but even this innocent performance was forbidden by Queen Mary, under the influence of Philip, the natural champion of colonial monopoly.

On Elizabeth's accession, however, the English corsairs felt themselves released. Hawkins, the Winters, Frobisher,

[1] 1541, Henry VIII., *Cal. State Papers*, no. 1257.
[2] Mary, *State Papers For.* MSS. nos. 448, 449, 450.

and others kept up a series of raids on the Guinea coast, unhindered though not unrebuked. Elizabeth, juggling as usual with France and Spain, had no desire to break with Portugal.[1] Commercial motives aided political ones in inducing her to endeavour to keep the peace. The Anglo-Portuguese trade was at this time of considerable value, though its importance was overshadowed by other interests.

Much of the trade was through Antwerp, from which city Portugal was said to take annually about 2,050,000 ducats' worth of English woollen goods.[2]

The direct trade, too, was important. Spices, salt, fruit, and a little wine were imported from Portugal.[3] Sugar, dates and molasses came from Barbary.[4] In return the English sent cloths, especially the coloured cloth of Kent and Sussex, and various small manufactured articles. This traffic occupied a considerable number of merchants both in London and in the west country. In 1569 those in London, Bristol, and Southampton alone, were said to number about 120.[5] The majority of them had factors or correspondents settled in Portugal and enjoying various privileges, so that in these men Portugal had hostages, as it were, for the good behaviour of England.

This, however, was not a consideration to restrain English corsairs, and the Portuguese, provoked past bearing, retaliated and finally seized Winter's ship off the coast of Guinea. Reprisals were made on Portuguese ships off Falmouth. Goods were sequestrated on both sides, and a suspension of commerce followed.[6]

The interests of the legitimate traders were, however, so far respected that negotiations were begun which lasted near five years, the crux, of course, being the question of the African trade. Guinea the English were willing to yield, but the

[1] Eliz. *Cal. State Papers For.* Aug. 16, 1559, no. 1203.
[2] Nero B. I. fol. 162. [3] Nero B. II. fols. 298–9.
[4] Anderson, A., *Hist. Deduction* &c., ii. 92.
[5] Cott. MSS. Nero 71, fol. 73.
[6] *Cal. State Papers Dom.* 1569, p. 318, nos. 26 and 27. Rebello de Silva, *Hist. de Portugal*, iii. 137.

trade with Barbary was more important than that with Portugal itself. In 1574–5 the imports (chiefly sugar) from Barbary to London were worth 28,639*l.* as compared with 11,626*l.* worth from Portugal.[1] This could not be given up. The problem appeared to be insoluble, to judge by the treaty which was finally concluded in 1576.[2]

This compact concerned itself almost solely with the restitution of captured goods and the satisfaction of various claims. The Portuguese might trade to England and Ireland, and the English to Portugal and the Algarves, Madeira and the Azores. Sebastian appeared in the preamble as Lord of Guinea and Aethiopia; otherwise, so far as the treaty went, the two contracting parties might have been ignorant of the very existence of Africa. As Winter immediately followed up this settlement by seizing a Portuguese cargo, the treaty seemed to lack finality.[3] But the knot of the difficulty was cut by the Spanish annexation of Portugal three years later, and the consequent disappearance of the former for sixty years from the family of European States.

When in 1640 the revolt, headed by the House of Braganza, brought Portugal back as a power to be reckoned with, the world had changed—a change which was, in part, the consequence of that union of Spain and Portugal, now dissolved. All the Portuguese colonies which remained in the hands of Spain were, with the exception of Ceuta, restored to their former possessor, but they were few compared with those which the Portuguese had held in 1580. England and Holland between them had wrested from Spain the bulk of the Portuguese possessions. England no longer had to bargain with Portugal for the right to sail to the Indies. The English East India Company was an accomplished fact; and a convention between England and Portugal, confirmed by the treaty of 1640, gave England the right

[1] Cott. MSS. Nero B. II. fols. 298–9.
[2] Eliz. *State Papers For.* MSS. vol. cxl. no. 854.
[3] Eliz. *Cal. State Papers Foreign*, 77, no. 1552.

of sending four ships yearly to the East Indies, two of which might trade to Portuguese ports.

In regard to Africa, the English commercial rights were practically acknowledged by clause 13, which admitted that the English might trade wherever they had been wont to trade.

The only colony about which there could be any question was Brazil. The Brazilian trade was to affect profoundly the relations of England and Portugal, but not as the African trade had affected it. The question was not whether England and Portugal should trade with Brazil, but whether the trade between the Mother Country and the great dependency should be carried on by the natives of Portugal themselves, or by English traders resident in that country.

That this should be the case marks the development which the relations of England and Portugal had undergone during those sixty years of Portuguese servitude. Those years had been for England a time of expansion, colonial, naval and commercial; and Anglo-Portuguese trade, hampered though it was by Spanish wars, had continued to increase. More and more English merchants had been gaining a foothold in Portugal. That foothold was of old standing. As early as the fifteenth century English merchants in Portugal had had privileges granted to them, privileges confirmed and extended during the next hundred years. They included, besides the right to carry arms and to own horses, exemption from Portuguese service and from various claims and taxes. Finally, and most important, the English had their own judge, or *conservador*, who at first only took cognisance of causes concerning trade, but to whom the English gradually referred every dispute, till they claimed that they could only be arrested by his warrant, except in criminal cases, where the offender was taken red-handed.[1] These privileges served naturally to emphasise the isolation of the English among the Portuguese, and as time went on they drew gradually into a more compact and definite body. An impetus in that

[1] *Os Privilegios.*

direction may have been given in 1577 by the incorporation of the merchants trading with Spain and Portugal into a company, with exclusive powers to control and manage the trade.[1]

For some time past there had been an agitation in favour of such a company, commonly known as the Spanish Company. Petitions for and against it had been presented in 1574. Now that the party of peace and legitimate trade was strengthened by the treaty of 1576 it became an accomplished fact, and for the next few years it assumed a vigorous control of commerce. The bulk of its members appear to have been Londoners; but it numbered merchants of Bristol, Southampton, Exeter, Ipswich and Kingston-on-Hull; and (an interesting point in view of subsequent developments) not only did it include some thirty merchants resident in Spain and Portugal, but it also claimed the right of appointing a president and six assistants, living in these two countries, to manage English trade there.

Whether John Taylor, the English consul at Lisbon in 1584, was appointed by this Company does not appear. But at all events, the stipulation shows the importance which the colony of English traders in the peninsula was assuming.

The expulsion of the English merchants in 1589 was, however, a heavy blow; and the Anglo-Spanish war proved the ruin of the Spanish Company. Not that this by any means stopped trade; a tolerably active traffic existed, but it was carried on secretly,[2] and hence the Company could not enforce its regulations. There were, at this time, two great branches of export trade from England to Portugal, the trade in woollen goods and in provisions. The first was the trade which the Company appears to have favoured. It was probably that which required more capital, and was therefore concentrated in fewer hands. It seems, according

[1] Eliz. Pat. Rolls, 19, p. 8.

[2] *State Papers Dom.* 1590, vol. ccxxxv., no. 10. *Cal. State Papers Dom.* 1591, p. 58, no. 42. *Cal. Sim. Trans.* 1588, nos. 255, 299. *Cal. State Papers Dom.* 1597, p. 431, no. 82.

to certain accounts of 1584,[1] to have passed mainly through London, and thus was probably easier of control. The provision trade—mainly in corn and fish—seems to have been largely in the hands of small traders inhabiting the western ports. In 1580 the Company complained that many ships repaired 'very disorderly' to Spain and Portugal, carrying corn and fish and bringing back what they chose, thus lowering the price of English and increasing that of Spanish commodities. The Company, therefore, ordered that no article should be imported in exchange for corn, except salt, bullion and oranges.[2]

But after the proclamation of war between England and Spain the Company's power was broken; and from 1590 to 1600 the 'Domestic State Papers' are full of notices of an active and secret trade between Portugal and the West of England.[3]

Thus when, after the peace of 1604, the Spanish Company obtained a renewal of its charter, there were a large number of traders in existence, who strongly resented this attempt to control them. Hence in 1606, the year after the renewal of the Company, an Act was passed declaring the Peninsular trade open to all English subjects.

One important act, however, the Company had performed during its brief tenure of power. It had appointed a consul, Hugh Lee by name, to govern the English merchants in Portugal. For some years after the Act of 1606, Lee's position was one of great discomfort. His payment by the Company ceased, and his legal status was doubtful. But in 1611 he obtained a warrant appointing him consul, and giving him the right to levy, besides the ancient allowance of one ducat on every ship, one fourth per cent. on all goods brought from England to Portugal; and from this time onward the existence of consuls in Portugal became a recognised custom.[4]

[1] Lansdowne MSS. 41 &c.

[2] Eliz. *State Papers Dom.* MSS. vol. cxli. no. 45.

[3] *State Papers Dom.* Add. Cal. p. 232, no. 6, 1587. Eliz. *State Papers Dom.* MSS. vol. cclv. no. 56, &c.

[4] Jas. I. *State Papers Dom.* (Docquets, vol. x.).

Still, for some time the appointment was a difficult matter. The factors in Portugal expressed no special eagerness for a consul. They declared in 1630 that they had done perfectly well without one.[1] Moreover, should the Company be revived, the right of appointing consuls would belong to that body, and not to the Crown. As time went on, however, it became clear that the Company would not be revived. The opposition of the provincial towns was too strong; nor was an exclusive company of merchants compatible with the growing habit of the clothiers, sugar bakers, vintners, tobacco dealers, and others of trading direct with Portugal without the intervention of independent middlemen.[1] But these very circumstances tended to make a consul in Portugal necessary to assist the inexperienced agents, who were now employed.[2] The traders themselves became reconciled to at least one part of a consul's functions. These, according to Coke, were 'to assist and govern' the merchants. 'How far the word "govern" may extend, the merchants doubt,' was the response. 'For the rest we find it reasonable.'[3]

The advance in the duties and powers of the consul appear in the difference between Chandler's patent (1631) and Howe's (1634). Chandler is to compose quarrels, to bring grievances before the home Government, to appoint deputy consuls, and to administer the goods of English subjects dying in the Peninsula. For his support he was to levy the customary ducat, a quarter per cent. on all goods sent by English subjects to Portugal, and a quarter per cent. on all English ships coming thither. Howe's powers were similar; but the growth of the factory appears in the demand that he should associate two or three merchants with himself when acting as executor. Further, his power—always in conjunction with two or three others—was to extend to cases of crime and cases of distress. He might despatch home any factor suspected of dishonesty; and if any English

[1] Lansdowne MSS. 152. [2] *State Papers For* Portugal, bundle 3.
[3] *State Papers Dom.* 1633, vol. clxxxiii. no. 32.

subjects should arrive in Portugal in a destitute condition the consul and his coadjutors might levy a rate to send them home again.[1]

While the constitution of the factory at Lisbon was thus developing, its commercial importance was increasing by the changes in the Portuguese export trade. England's exports to Portugal varied but little. From 1500 to 1800 the staple articles were practically the same, textiles, hardware, and provisions. The Portuguese returns, on the other hand, varied greatly. Oil, fruit, and a small proportion of wine almost invariably formed part of them, but it was a small part. Salt, also, was an export of some importance; but trade in it diminished with the rise of the English salt works. During the period of Portuguese ascendency in the East, spices formed the staple Portuguese export. In 1584 the spices sent to England seem practically to have balanced the cloth exported thence.

When the Spanish annexation of Portugal, however, was followed by the fall of Portuguese power in India, the spice monopoly naturally disappeared. England and Holland supplied themselves, and Portugal turned to her great dependency in the West for the means of buying English cloth and English corn. Tobacco and sugar were at this time the chief exports from Brazil; but in England Brazilian tobacco was soon displaced by that from Virginia, and thus sugar became the staple of the Portuguese trade.

To preserve the profits of this trade to themselves, the Portuguese insisted that all foreign trade with Brazil should be carried on by way of Portugal. Hence the English, trading thither in the early seventeenth century, had according to the phrase of a contemporary writer to 'fetch the compass,' paying almost sixty-two per cent. in customs, before the sugar arrived in England. Despite these disadvantages, the same writer declares that 'all our trade' (*i.e.* that from Portugal to Great Britain) 'consists in the bringing of sugars to England.' English ships, too, were freighted by

[1] *State Papers For.* bundle 4.

Portugal for this trade, as appears from clause 16 of the treaty of 1642.

Such a trade was clearly favourable to the English factories in Portugal. If Portugal's commerce with her closest ally rested on her trade with Brazil, then those inhabitants of Portugal who were in closest touch with both England and Brazil plainly had the advantage; a condition fulfilled by the English factories.

How important they had become appeared when, after Portugal had regained her independence in 1640, she sought to renew her alliance with England. In the treaty of 1642 the English privileges are the subject of international negotiation. The powers of the consuls were recognised; English Protestants were to be tolerated; debts due to the English from prisoners of the Inquisition were to be paid by that body from the estates of their victims. Generally, the English were to have as great privileges as any other nation. A special confirmation of these privileges was further granted by John IV. in 1645, in answer to a petition from the Lisbon factory complaining of their infraction; and in 1647 he denounced heavy penalties against all who should infringe them.[1]

Political events also, though at first dividing England and Portugal, tended ultimately to confirm the English dominance. Prince Rupert, reckoning on the Portuguese sympathy with the Royalists, endeavoured in 1649–50 to make Lisbon a base for his naval operations.[2] The English Commonwealth demanded that John IV. should expel the prince, and sent Blake to intercept him. Blake entered Lisbon harbour, and the two hostile fleets lay side by side. Thirteen merchants of the Lisbon factory distinguished themselves by petitioning John IV. to dismiss both fleets—advice good, but impracticable. As is well known, the affair ended in a war between England and Portugal, which is chiefly noteworthy for the treaty that ended it—the treaty of 1654.

[1] *Os Privilegios.*

[2] Gardiner, S. R., *Prince Rupert at Lisbon* (Camden Society's publications .

The result of the war had been a foregone conclusion. Portugal, in the midst of her conflict with Spain, could not stand up against England, and the English knew it. The whole tone of the treaty and of the negotiations preceding it show England for the first time as conscious of her superior strength, and resolved to use it to the utmost.

One of the most debated points was the question of compensation to various merchants of the English factory, whom John IV. had imprisoned when the war broke out. In the circumstances the claims put forward must be somewhat discounted: 10,000*l.* were demanded for seizures in Lisbon, 12,500*l.* for those in Oporto; 5,000*l.* for the goods belonging to one firm only, seized by Blake in the Brazil fleet; 23,614*l.* for English ships in the Portuguese service—such were the chief items in a total of 140,000*l.* They speak well for the prosperity of the English factories.[1]

Apart from the question of compensation, however, the treaty was important to the English in Portugal. The general stipulations of 1642 became fixed and definite. The appointment of consuls by the English Government, the existence of the *conservador*, the immunity of the English from arrest save by his warrant, the right of the English to pay no dues but to the king or to the Chamber of Lisbon, and almost every other privilege granted to the English, became by this treaty matters of right, not of grace. Freedom of religion and the right of worship in ships and houses were also exacted. As regards Brazil, if the English ships sailed in the Portuguese fleet, their cargoes need pay no more than ordinary dues; and English merchants might trade freely with Brazil in all goods but wine, fish, oil and Brazil-wood, traffic in which was the exclusive right of the newly formed Brazil Company. The Company itself, however, was bound to employ English ships, if sufficient Portuguese vessels could not be obtained.

The most marked stipulations were those that referred to the Portuguese customs. The English were to pay only

[1] Add. MSS. 4192, pp. 85–6.

'the usual customs,' *i.e.* those levied on March 10, 1653. This, however, was not considered a sufficient guarantee. The alleged arbitrary valuation of English goods in the Portuguese Book of Rates, whereby the customs were raised to much above their nominal value, had long been a grievance. The council now stipulated in a secret article that the valuation of goods, when disputed, should be decided by arbitrators chosen by the English consuls and the Portuguese customs officers; that no alteration should be made without the consent of two English merchants resident in Portugal; and, finally, that the customs should never be raised above twenty-three per cent.

Such was the famous treaty of 1654, which nominally lasted throughout the eighteenth century. To the English it became an ideal to be enforced, to the Portuguese a tyranny to be evaded; and the result of the constant struggle over its provisions was at least as important as the result of the provisions themselves.

The treaty was confirmed by the marriage compact of 1660. In this latter treaty Bombay and Tangier were ceded to the English Government; and in regard to Brazil it was granted that four English families might reside in each captaincy, a privilege which the English factors afterwards declared to be of great importance.

But almost immediately the hostility excited by the excessive claims of the English began to appear. Among the first points in dispute was naturally the religious question. The Portuguese claimed that the treaty of 1654 made no allowance for a minister other than the one entertained by the resident English envoy; above all they denied the right of the rising English factory at Oporto to appoint one. The conversion of several English merchants to Catholicism, and their consequent objection to the appointment of a Protestant minister, strengthened the hands of the Portuguese, and the question remained in controversy for several years.[1]

[1] *State Papers For.* Portugal, 4, 5, 15.

The religious difficulty, however, had but a minor share in exciting Portuguese antagonism. As political events had combined with the course of trade to strengthen the English factories, so now both causes joined to rouse the Portuguese against them. The dominant factor in Portuguese foreign relations was, of course, the dread of Spain. But after the peace of 1667, which the English negotiated, this dread lightened a little, especially as a rival protector to England was found in France. Further, peace gave the Portuguese Government leisure to consider their industrial and commercial condition, which was exceedingly bad. Their poverty and the general state of warfare in Europe probably affected English trade, which, during the early years of Charles II.'s reign, was said to be much depressed. In 1660, two hundred English merchants had petitioned Charles II. to preserve their commerce with Portugal;[1] and in 1661 the English factors were said to be forced to adventure their whole fortune to secure its continuance.[2]

However bad trade might be from the English point of view, it was according to the economic theories of the time yet worse for the Portuguese. The English not only sent cloth, corn and fish as of old, but they seem to have had practically all the carrying trade of Portugal in their hands.[3] The Portuguese had but little to send in return. The wine trade seems to have been growing, but it could not yet rival that of France. Brazil sugar was still the staple Portuguese export, and it could not balance the exports from England. In 1662–3 the exports from England to Portugal amounted to 145,061*l.*, while the English imports were worth only 86,691*l.*; and the exports continued to augment while the imports decreased.[4] Plantation sugars were gradually displacing those of Brazil. The very best sugars, indeed, the English could not rival, but inferior sorts they could obtain

[1] Barros e Sousa, &c., *Quadro Elementar*, &c., xvii. 115.
[2] *State Papers For.* Portugal, 5, Sept. 2, 1661.
[3] *State Papers For.* Portugal, 5.
[4] Board of Trade Comm. MSS. Series I. E 31.

from Barbadoes. Hence, in 1669, only 705 tons of white sugar, worth 39,480*l.*, were brought from Portugal; not, it was declared, probably with much exaggeration, one-tenth of what had been brought previous to the rise of plantation sugars.[1] Certain reductions of taxation in favour of plantation sugar were made about this time; and though as late as 1690, two thousand chests of best Brazil sugar at about 3*l.* 10*s.* the hundredweight were said to be sent yearly to England,[2] yet the balance of trade was steadily and increasingly against Portugal, which had therefore to pay for English goods in bullion. Such a process was, of course, contrary to all the economic theories of the time. It explains the declaration of the English envoy, Scarburgh, that the Portuguese 'look upon our merchants as the only men that will ruin Portugal.'[3]

Such, however, was Portugal's need of English goods that she could not dispense with them, unless she was prepared to supply herself. This she now endeavoured to do. Woollen manufactures were established in Portugal; and in 1677 a Pragmatic was issued prohibiting the wearing of foreign cloth, belts, hats, &c.[4] Heavy as the blow appeared, its effect on the English was somewhat lessened by the fact that much of their trade consisted in bayes, perpetuanoes, and other light woollens, not included in the Act. In these the trade continued briskly, increasing by one half between 1668 and 1697.[5] But it was feared that these, too, would soon be included, and Consul Maynard wrote with dismay that English weavers had been brought to Portugal to teach the making of Colchester bays and other light draperies.[6] What seemed even more ominous was the steady refusal of the Portuguese Government to revoke their prohibition at the

[1] 'The State of the Case of the Sugar Plantations in America,' B.M. 816 m. $\frac{12}{156}$.
[2] 'Case of their Majesty's Sugar Plantations,' B.M. 816 m. $\frac{13}{137}$.
[3] *State Papers For.* Portugal, 16.
[4] *Collecção*, &c., *Leis Extravagantes*, &c. ii. 77–83.
[5] Board of Trade Comm. MSS. Series, ii. 642.
[6] *State Papers For.* Portugal, 15.

request of England. What, was the question, would Portugal gain by it?[1]

In such circumstances the old alliance of England and Portugal might well seem to be endangered at the very moment when it was becoming of political importance to England. As it chanced, however, the very circumstances which drove England to seek Portugal's political support pointed out a method of strengthening the commercial tie. That neither ordinances nor privileges could prevent the exports from England to Portugal increasing one and a half times, or the Portuguese imports to England from doubling[2] is perhaps mainly due to the French war. This war interfered with the English import of French wines; when wine ceased to come from France, it began to come from Portugal; from 1690 to 1700 the consumption of Portuguese wines averaged 6,000 tuns. Hence arose a better balance of trade. In 1699–1700 the English exports to Portugal were worth 336,598*l.* and the exports from Portugal to England 279,156*l.*[3] —that is to say, the imports were three-fourths of the exports, instead of about one-third as they had been thirty years previously. In another way the war affected Portuguese trade favourably. Portugal was almost the only European country not involved. Thus she attracted trade, and Lisbon for a time regained a shadow of her old position as a world port. This rising trade was hailed by the English economists as affording a possible compensation for the lost commerce with France. French wines had to be bought for money, those of Portuguese growth could be obtained for goods; and it was possible that this trade might be used to restore the English commerce in cloth (strictly so called) which had almost vanished. The English merchants at Lisbon in 1697 pointed out this possibility;[4] and the political necessities of the time were also driving the two countries to a readjustment of their relations.

[1] Barros e Sousa, &c., *Quadro Elementar*, &c., xviii. 190–202.
[2] Board of Trade Comm. MSS. Series I. 27 T, 103.
[3] *Ibid.* Series I. F 62.
[4] *Ibid.* Series I. B 55.

England was, in fact, learning that the treaty of 1654, in which she took all and gave nothing, could not endure unsupplemented. The Methuen treaty was the outcome of this lesson. Portugal would again admit English cloths, and England would take Portuguese wines at a duty one-third lower than that imposed on the vintages of France; while in the accompanying political treaty freedom of commerce and mutual commercial privileges in both countries were guaranteed.

Politically, the treaty might be a bribe to Portugal. Commercially, it was at least as advantageous to England as to her ally. Its results appeared immediately. From 1696 to 1712, ten times as much Portuguese as French wine was imported.[1] As to the export of English woollens, that was said to quadruple within a few years, and to include coloured cloths, druggets, hats, &c., which had formerly been excluded.[2]

Such a state of things was highly satisfactory to England; but Portugal was less content. Her exports to England amounted at first to about two-thirds or three-quarters of England's exports to her; but as trade increased, this proportion diminished. For the three years ending 1702, the English exports averaged about 300,000*l.* a year, as against 200,000*l.* worth of imports. About 1715, the imports had increased by about a third, but the exports had doubled; and the latter continued to augment till they were worth more than a million, while a little over 400,000*l.* remained the maximum for imports.[3]

Thus the bulk of the Portuguese returns had as usual to be made in bullion, their store of which was greatly increased by the discovery of the Brazil gold mines. The same discovery, however, added to the jealousy with which the Portuguese regarded all foreign trade to that country. In 1716 they endeavoured to induce the English to give up the

[1] B.M. Egerton MSS. 921, p. 49, &c.
[2] Board of Trade Comm. MSS. Series I. F 62.
[3] Anderson, A., *Historical Deduction*, &c. iv. 34–43.

privilege of having four families resident in Brazil.[1] The attempt failed, but henceforth every opportunity was taken to prevent the privilege from being used. Despite this attitude on the part of the Portuguese Government, however, the English factories maintained that English capital was essential to the Brazil trade.[2] Large quantities of English woollens were sent through the English factories to Brazil. Half the Brazil trade had been said a few years earlier to be in English hands, the remainder being carried on by France and Holland.[3]

On the other hand, Brazil gold was necessary to Anglo-Portuguese trade, especially to the woollen trade.[4] Bullion in large quantities was smuggled over to England, especially in the Falmouth packets, established during the War of the Spanish Succession; while in Ireland the gold currency was said to consist almost entirely of Portugal pieces, which were received in exchange for cattle, bacon, linen, and dairy produce, that formed the staple of Irish trade with Portugal.[5]

The export of gold, however, was attended by peril, or rather by inconvenience. By law the penalty for its export, unlicensed, was death; but no Englishman appears to have suffered this extremity. Still, more than once English factors and ship-owners were seized and imprisoned, and the treasure confiscated. Then the English ambassador and the English consul would bluster a little; the English Government would support them. The delinquents would be released, the treasure restored, and another period of quiescence on the part of the Portuguese Government would ensue.[6] Such a state of things, however, must have conduced to the hostility, which was growing rather between the English and Portuguese themselves than their respective Governments.

This dislike was augmented by the oppressive privileges

[1] Board of Trade Comm. MSS. Series I. O 17, no. 108.
[2] *Ibid.* Series I. M 15, no. 145. [3] *Ibid.* Series I. O 17, no. 108.
[4] *Ibid.* Series I. P 19, no. 72.
[5] *Treasury Papers Calendar*, p. 314, no. 73, &c.
[6] *State Papers For.* Portugal, no. 87.

of the English factory, and the Portuguese encroachments upon them. The English wine merchants of Oporto were much hampered by the hostility of the inhabitants of the chief wine-growing districts, who exacted high prices, and rendered the transport of wines to the coast very difficult. A long-standing feud with the Coopers' Company was a source of perpetual annoyance.[1] The English traders in provisions, too, had to complain of the extra import duties, levied at Lisbon and Oporto ; and a further grievance was the refusal of permission to remain longer than three months in harbour without disposing of the cargo, and paying the twenty-three per cent. duty.[2] In this complaint, which recurred frequently, the dealers in woollens joined. The latter had also a grievance of their own in the extravagant valuation of their goods, which they declared placed them at a disadvantage in competing with other nations.[3] That in such distressing circumstances, all branches of the English export trade flourished seems remarkable, but it is the fact.

Still, this prosperity did not reconcile the English to their grievances ; and they were most anxious to preserve that privilege, which they considered the safeguard of all the rest —the right of being judged by their own conservator. At present, this privilege in itself was undisputed ; but what matters were and what were not to come under the conservator's cognisance were matters of debate for more than a hundred years after the treaty of 1654.

Thus, all through the first half of the eighteenth century there was a growing effort on the part of the Portuguese to free themselves from the English dominance. This effort showed itself not only in jealous squabbles and petty exactions, but in the establishment of industries, such as that for the manufacture of leather goods in 1734 ; or, later, in the revival of cloth-making and the manufacture of hats.[4] Religious zeal supported economic policy. The Pragmatic

[1] Board of Trade Comm. MSS. Series II. 649, pp. 128–9.
[2] *Ibid.* Series I. P 19, no. 72. [3] *Ibid.* Series I. F 16, no. 45.
[4] *Ibid.* Series I. X 32, no. 38, and vol. xlix. no. 341.

of 1749, and other sumptuary ordinances were protective to home industries, inasmuch as they excluded foreign cloth, tanned leather, lawns and other luxuries.

Yet in the teeth of these laws the English exports to Portugal increased, not only in quantity but in variety. In 1720 they included bays, stockings, copper, iron, lead, hides, rice, and butter.[1] In 1777, not only woollens, but ready-made clothing, household utensils, tools, and hardware occur in a contemporary list,[2] giving the impression that sumptuary laws notwithstanding, the trade in manufactures had increased more than that in raw materials.

On the other hand, English imports from Portugal had diminished. The average imports from 1740 to 1745 amounted to 428,587*l.*, as against 1,115,100*l.* worth of exports; while from 1755 to 1760 they had dropped to 256,600*l.*, as against 1,300,681*l.* worth of exports.

This state of trade probably increased the desire for economic independence, which first took form as a definite policy after the death of John V., when Pombal became the real ruler of Portugal. The opinions of this statesman on the relations of his own country with England appear strongly in his writings. 'In 1754 Portugal scarcely produced anything for her own support; two thirds of her physical necessities were supplied by England. . . . These foreigners, after having acquired immense fortunes, disappeared, carrying with them the riches of the country.' The English cloth trade he thought ruinous to Portugal, and the Brazil gold mines scarcely less so. 'Gold and silver are fictitious values, ... the more they are multiplied the less is their real value.'[4]

With these views Pombal naturally declared war on the English privileges. That 'Foreigners must be subject to the

[1] Series I. 55, no. 70. [2] *Arte e Diccionario do Commercio.*

[3] Five-yearly averages taken out from figures in Board of Trade Comm. MSS. Series II. 562, no. 7.

[4] J. A. Smith, *Memoirs of the Marquis of Pombal*, ed. 1843, i. 114–116 and 123.

civil laws of the land in which they live' was the key-note of his policy. Thus, when a fresh seizure of bullion took place, it was not restored on demand—to the indignation of the English. Thus, too, the powers of the conservator were limited by an ordinance of 1752, declaring that if he thwarted the commands of other courts he should be displaced.[1] All the English gained by protesting was the admission that their privileges, indeed, existed ; but persons claiming them must prove their nationality in the court to which they were first summoned.[2]

Three acts put the climax to the English dismay—the establishment of a 'Board of Trade';[3] and the creation of the Companies of the Wines of the Alto Douro, and of Brazil.

The first body—the Board of Trade—established in 1756, clashed very directly with English privileges. It took cognisance of all matters touching smuggling, retail trade, recovery of debt, bankruptcy, superintendence of manufactures, the inspection of the Brazil fleet, and so forth. As in these affairs its jurisdiction superseded that of the English conservator, and of all other courts, and as the English were the principal traders, both wholesale and retail, in Portugal, its conflict with the factories was inevitable.

The Company of the Wines of the Alto Douro was avowedly established to secure the purity of the wines and to protect the interests of the growers. The wine export was almost entirely in the hands of the English merchants at Oporto, and they were accused of combining to keep down prices in a way which practically enslaved the wine-growers.[4] They on their part declared that the undeniable distress of the wine districts was owing first to the undue quantity of land which had been converted into vineyards, and secondly

[1] *State Papers For.* Portugal, no. 64.

[2] Board of Trade Comm. MSS. Series I. B 70, no. 55.

[3] *Junta do Commercio.* See Board of Trade Comm. MSS. Series I. B 70, no. 55, and *State Papers For.* Portugal, 64.

[4] J. A. Smith, *Memoirs of Pombal.*

to a series of bad seasons, following on a time of prosperity when the business of wine-growing had been overcrowded. Very possibly there was truth in both statements. At all events the adulteration of the wine and the misery of the wine-growers were so notorious that in 1754 the English factory had put forth a manifesto exonerating itself from any responsibility for the state of affairs.[1]

It was as a remedy to these evils that the Company was established. It had power to oversee and approve all wines produced in the Alto Douro district. Each year it was to decide what part of the district produced the best wines, and to permit exportation only from that neighbourhood. It was to allot to all wholesale dealers, English and others, in Oporto and the neighbourhood, their due proportion of wines, whether for export or home use, while it left them free to buy of whom they chose in the appointed district. A maximum price was to be fixed, not exceeding thirty milreis per pipe. Further the Company had a pre-emption on all boats and means of inland transport; and for its own profit it had the exclusive right of exporting brandy and vinegar to Brazil. Finally, the anti-foreign bias appeared in the regulation that all members of the governing body must be Portuguese subjects; and in the existence of a *conservador* with exclusive jurisdiction in matters touching the Company.[2]

The English factory at Oporto were up in arms, but their protests were vain: the Company's charter was renewed in 1776; and the English, unable to influence the Government, turned their attention to evading the ordinances of the Company.[3] Despite their forebodings, however, the Company's existence does not seem to have injured the export of wine. This continued to increase. In 1761 8,163 tuns, costing 202,848*l.*, were sent to England; in 1771 the amount

[1] Board of Trade Comm. MSS. Series I. 51, no. 51.

[2] *Collecção*, &c., *Leis Extravagantes*, &c. III. pp. 486 *et seq.*

[3] See, for instance, Board of Trade Comm. MSS. Series II. vol. 563, nos. 80 and 81.

was 11,554 tuns, a figure at which it remained with tolerable steadiness during the next fourteen years.[1]

Thus the Company appears rather to have increased than diminished Anglo-Portuguese trade. How far it really injured the English merchants is uncertain; certainly they themselves attributed the subsequent diminution of their numbers to its influence.[2]

If the Wine Company injured the factory at Oporto, the Brazil Company damaged that at Lisbon. Like the Wine Company, the controlling board of the Company was to consist wholly of Portuguese subjects; but unlike that Company, which was not primarily a trading company, its chief function was to manage the whole trade to Brazil, which was thus taken out of English hands much more completely than was the traffic in wine.

The effect of the Brazil Company on trade is dubious. The English declared that before it existed, fifteen or sixteen ships went yearly to Brazil where now only three or four set out.[3] Pombal, on the other hand, maintained that twenty ships sailed every year, and English commodities were in greater demand than ever. The accounts of the period, however, do not quite bear out the last statement. From 1760 to 1765 the English woollen exports to Portugal averaged 600,000*l.*—about two-thirds of the total amount of exports. But from 1765 to 1770 the average sank to about 400,000*l.*, though the proportion to the whole remained the same; and at this level it rested for the next twenty years.[4] The English merchants attributed this decline to the fact that the Brazil Companies were directed to prefer Portuguese to English goods, thus narrowing the English market in Brazil, whither the best woollen goods had formerly been sent. But as the peace of 1763 had again opened the markets of France and

[1] Board of Trade Comm. MSS. Series II. 562, no. 4.
[2] *Ibid.* Series II. 563.
[3] *State Papers For.* no. 64.
[4] Board of Trade Comm. MSS. Series II. 563.

Austria to England, it seems possible that the above diminution was only the natural result of a more widely diffused commerce.

A more certain injury to English trade arose from the American war. The export of fish to Portugal seems to have diminished by three-fourths after the colonial revolt;[1] and during the time of the war the carrying trade was seriously affected.

Again, the slowly increasing Portuguese manufactures in wool, hardware, glass, cotton, &c., may to some extent have injured English exports. Certainly, the local regulations against foreign cloth, together with the loss of the American trade, seems to have ruined the smaller English factories at places like Vianna and Caminha.[2]

Hence, when in 1776 Adam Smith, in the 'Wealth of Nations,' selected the Methuen treaty as an example of a convention in no way really favourable to England, he perhaps had the current of public opinion rather with him than against him; and when in the Anglo-French treaty of 1786 Pitt tried to put Adam Smith's principles into practice, there was no general protest on behalf of England's old ally. Pitt's treaty did not in itself violate the Methuen compact. The duty on Portuguese wines was to be lowered in proportion to the reduction on those of French growth. In other respects, however, the relaxation of hostility towards France exposed Portugal to the competition of the greatest country in Europe.

At this very time, however, Portugal developed a fresh resource, which bade fair to equalise matters between herself and England. Hitherto, as has been shown, England traded in necessities, and Portugal in luxuries—and in gold. Now there was a change. Brazil, instead of making gold its staple, began to produce raw cotton in increasing quantities, and this at a time when the English cotton manufactures were developing with unparalleled speed. In 1767 the

[1] Board of Trade Comm. MSS. Series II. 562, no. 2.
[2] *Ibid.* Series II. 563, nos. 56-7.

English imported about 6*l.* worth of cotton from Lisbon; in 1782 the amount had grown to 9,190*l.*;[1] and from 1786 onwards the average import of cotton from Portugal to England was said to be worth 150,000*l.* or 200,000*l.* In 1791 England was sending gold to Lisbon, and Lisbon gold to Brazil;[2] and though this was exceptional, yet during the closing years of the eighteenth century Portugal seemed for once to be on a commercial equality with England. The result might well have been a thorough and equitable re-adjustment of the relations between the two countries; but all normal and regular growth was, of course, overthrown by the outbreak of the French Revolution.

[1] Board of Trade Comm. MSS. Series II. 562, no. 64.
[2] *Ibid.* Series I. vol. 73, no. 5.

'THE DIARIES (HOME AND FOREIGN) OF SIR JUSTINIAN ISHAM, 1704–1736.'

By the Rev. H. ISHAM LONGDEN, M.A.

Read June 20, 1907

NOTES on the Diaries of Sir Justinian Isham, the fifth baronet of Lamport, would hardly be complete unless allusion were made to the origin of his house. He and his forefathers were ever careful to make a note of every family event, whether christening or burial, the building of a house, the planting of trees or the making of a pond. Sir Justinian added to the materials already to hand, and with the help of many friends among clergy and laity, including John Bridges, the Northamptonshire historian, he made collections from parish registers, wills, and other sources. From these he carefully put together the family pedigree, marking as certain that only for which he had ample evidence. His pedigree, representing the family tradition, has lately been proved to be correct in several steps; possibly the earlier portion may yet be confirmed. A manorial family of Isham dwelt at Isham from the twelfth to the fourteenth century. Isham is a village on the Isebrook. It has been suggested that in the fess wavy of the arms of the family there is an allusion to the brook, and that in the piles wavy we may see the icicles which play upon the name of the house.

Two miles from Isham is Pytchley, and here Ishams are found holding lands from the thirteenth century to the reign of Charles I. Sir Euseby it was who built the famous manor-house, so long the headquarters of the Pytchley Hunt in later times. In 1559 Robert and John Isham, second and fourth sons among the twenty children of an earlier Euseby Isham

of Pytchley, made joint purchase of Lamport. Robert was a prosperous churchman, chaplain to Queen Mary, and parson of Pytchley still under Elizabeth. John, inheriting Robert's share, also prospered, being of the Mercers' Company and thrice their warden. From this John the Sir Justinian of the diaries was fifth in descent. Sir Justinian the second baronet, grandfather of the diarist, was the 'Emperor' of Dorothy Osborne's letters, the collector of books for the Lamport library, famous for its unique and rare volumes; the purchaser of Van Dyck's Charles I. on horseback, as is testified by the letter and bill of that date; and the fellow-prisoner of Sir Ralph Verney at St. James's. The two uncles of the diarist were Sir Thomas, third baronet, the writer of two diaries, who died as a young man on the eve of his marriage, and whose wedding clothes are on loan at South Kensington; and John Isham, Under-Secretary of State under the Earl of Nottingham, the 'Uncle Isham' in the diaries, many of whose letters remain at Lamport and in the British Museum. Sir Justinian, the fourth baronet, father of the diarist, duly represented his county or county town in many parliaments.

Sir Justinian, the fifth baronet, the diarist, third of a name so frequent in the family, was born July 20, and christened August 3, 1687, at Lamport. One of a family of fourteen, and the eldest of eight sons, it is curious to note that only one of the sons, and that the seventh, left any descendants. The letters of this large family circle give us a picture of their life. There is the father, anxious before all things for the proper education of his sons; the mother who does not hesitate to give the member of parliament, probably not so hard worked as in these days, her commissions in town, 'for a pound of Imperial tea for great Ladys if any shou'd come,' a dozen of gloves, a pair of stays, or a new 'head,' commissions which she admits to him 'many spouses wou'd not be willing to do, but you are not to be Paralleled with the common sort.' John and Edmund were the next brothers to Justinian, and were sent to school at Rugby. Letters about

their schoolboy life come from the Rev. Mr. Henry Holyoake, their tutor. One of these, December 16, 1702, is to tell their father that his sons 'are like to prove extraordinary scholars,' patterns in fact in work and morals. Another, in a short six months, gives a very different picture, for 'they both took a ramble and wandred about four or five miles from home in order to have gone further.' The runaways were pursued on horseback and brought back. Mr. Edmund had been busy cutting and mangling the covers of his new Lexicon. Mr. John had produced verses 'intolerably bad both in y^e^ meanesse of y^e^ sense & quantity.' Being corrected gently upon the hand, 'they took their Journey.' Holyoake concludes by saying that he has not punished but reports their fault, 'knowing that your frown will produce much greater effects than all y^e^ Master's Rods can do.'

John became Fellow of All Souls, was for one short year rector of Lamport much against his will, then, unknown to his father, threw it up, and returned to live, and die not very long afterwards, at his college. Edmund was a young dandy whom his tutor at Wadham reports to his father as being extravagant in batteling and in clothes, especially in linen, for his laundress complains that 'he wears four, many times five shirts a week, and shee must have more than six shillings a quarter.' He became Fellow of Magdalen, and judge of the Admiralty Court, and member for Northamptonshire in five parliaments, and owner of Lamport; he gave 1,000*l.* towards the building of Magdalen College Library, and, besides other moneys, 1,000*l.* to help pay a chaplain at the Northampton Infirmary. Others in the family circle were Thomas, the sailor, called 'the Captain' by his brothers, to whom learning was always a difficulty, whose long voyages to India and elsewhere, with the hardships at sea, are described, who returned to live and die in a decline in Gold Street, Northampton; Euseby, the rector of Lincoln College, Oxford, who held the family living and one other, from whom the present family descend; Charles, who lived in the present Inland Revenue Office at Northampton, the giant of the family, who

thought nothing of tramping the eight miles to Lamport and beyond, and back again, to shoot. Of the sisters, Mrs. Raynsford lived a near neighbour at Brixworth Hall. Susanna died at Bath, whither she had gone in search of health. Edmunda interested herself in the Northampton Infirmary, and is buried at St. Giles, Northampton ; but Vere, the eldest sister, was her brother Justinian's special companion. When pursuing his studies in London or abroad, the brother and sister corresponded regularly ; frequently, too, in French and Italian at their father's special wish. These formed the immediate family circle at the time of the diaries.

At Lamport there is a large collection of MSS., upon which there was an early report made in 1872 by the Historical MSS. Commission ; not, however, taking full note of the diaries, and of the mass of correspondence from the middle of the sixteenth century to the end of the eighteenth.

The diaries and account-books have all been lettered, and the list appears at the end of the printed journal of Sir Thomas Isham.

Diary A

This is a small volume, 5 in. × 3 in. On the fly-leaf is 'Our setting forwards from Diepe was on y^e^ 15 Oct. 1676. T. Isham.' The diary occupies twenty pages only, and comes to a sudden stop. It has been attributed by Mr. Walter Rye, who read the date as 1626, to Sir John Isham, first baronet. The style of the handwriting, the clearness of the signature, a reference to the 'stately Triumphal Arch, w^th^ Lewis 14^th^ on horseback at y^e^ top of it,' the mention on the last page of 'my Cousin Isham falling ill on y^e^ way of y^e^ small pox,' and the evidence of contemporary letters, combine to make me identify it as a second journal of Sir Thomas Isham.

Diary B

This is a book 6¼ in. × 4 in. It is the well-known Latin journal of Sir Thomas Isham, entitled 'Thomae Ishami Com-

mentarij Patris Jussu Inchoati 9^{bris} 1mo 1671.' It concludes September 30, 1673. Translated by my grandfather, the Rev. Robert Isham, and edited by Mr. Walter Rye, it was privately printed in 1875. It is a record of home-life.

Diary F

This is a rougher note-book, $8\frac{1}{4}$ in. $\times$ $6\frac{1}{2}$ in., beginning May 2, 1704, and ending about June 4, 1705. It contains many inscriptions and notes, not incorporated in the fair copy, Diary G.

Diary G

This is a small volume, $5\frac{3}{4}$ in. $\times$ $3\frac{7}{8}$ in., bound in white vellum, with a flap and brass clasp. It is a fair copy of the journals of Sir Justinian Isham, the fifth baronet, and includes and amplifies the previous volume. It consists of the following journals: foreign 1704–7; home, 1708–10:—

i. From London to Utrecht, May 1 to July 2, 1704.

ii. Utrecht to Amsterdam, April 16 to May 25, 1705.

iii. Amsterdam to Wolfenbüttel, May 25 to June 10, 1705.

iv. Wolfenbüttel to Lamport, June 20 to November 30 (19), 1707.

v. Home Journal, July 20, 1708, to March 1, $17\frac{0\,2}{1\,0}$.

Diary I

This volume, 6 in. $\times$ $3\frac{3}{4}$ in., is bound in green vellum, with a flap and brass clasp. It is a diary of the same Sir Justinian, following on from the previous volume; it begins March 2, $17\frac{0\,2}{1\,0}$, and ends November 14, 1736. It is an extremely interesting journal of home-life.

Diary L

This is a note-book with a paper cover, $6\frac{1}{2}$ in. $\times$ $4\frac{3}{8}$ in. It is a diary likewise of the fifth baronet, describing a foreign tour, through France to the chief cities of Italy. It begins June 19, 1719, and ends July 29, n.s., July 18, o.s., 1720.

Diary M

This is a small book with a thin parchment cover, $5\frac{3}{4}$ in. × $3\frac{3}{4}$ in. It is a diary of Sir Justinian Isham, from July 17, 1730, to November 23, 1730. It is chiefly concerned with a visit to Bristol and Bath.

C, D, E, H, J, K, N

The other books lettered C, D, E, H, J, K, N, are account-books.

It is decided that Justinian, now nearly seventeen, shall have a foreign education, including a period at a German university. Setting out May 2, 1704, in company with his cousin, Edmund Turnor, and his tutor M. Masson, they encounter several delays at Harwich, but at length the wind being fair, they sail on May 15, M. Masson writing to Sir Justinian, 'Mr. Isham is very well and hopes to be so a ship board.' Still they have delays, and eventually, though there was an order from the Admiralty for the *Pool*, they go on board the *Marlborough* sloop, a free vessel carrying merchants' goods and passengers, hired to keep along with the convoy consisting of two men-of-war, the *Bonadventure* and the *Pool*. His fellow-travellers were Mr. Hambden and his lady, Brigadier Webbe, Colonel Wynne, and Dr. Samby. On May 27 they land at Helvoetsluys. For over a month they travel in Holland. Everything is eagerly noted down in this, the first of the diaries—churches, stadthouses, steeples, monuments with their inscriptions—nothing comes amiss. By post-waggon, or treckscuyt, a long covered boat drawn by a horse, the journeys are made. At Delft it is the making of the ware; further on, the windmills for the sawing of timber; at Dort there is an alarm after church, one Sunday, that the French had landed; Ryswyk is where 'the late King had a Pallace which now belongs to the King of Prussia,' and where 'the late Peace was made'; at Leyden, the University and the 'Physick Garden.' Utrecht is reached July 2, 1704.

There is no diary for the next ten months, spent probably with his tutor. The next portions of the diary give an account

of another tour, in 1705, through Holland. Starting from Utrecht they go southwards. The fortifications of Bergen-op-Zoom are particularly noted, and are seen by special permission, the commander of the town sending a soldier, and the engineer one of his men, to show them. Here, too, in the church, is a monument to 'Edward Bruce, Baron Kinloss, a Scotchman, who being to fight a duel saw Death's head in a looking glass, so that he was sure to be killed, which fell out.' This was the second baron, killed in 1613 by Sir Edward Sackville, afterwards Earl of Dorset. Turning northwards, they cross the Zuider Zee in a sailing boat, and reach Wolfenbüttel June 10, 1705. Two years at the Ducal Academy at Wolfenbüttel in the Duchy of Brunswick follow. A famous library had been founded there in 1644. From the diaries and letters, I gather that M. Walter was governor of the Academy, that, on his death in 1710 he was succeeded by Mr. Murray, and that the following were among the students : a son of Sir Robert Danvers, the Earl of Lincoln, Mr. D'Ewes, Mr. Selwyn, third son of Major-General Selwyn ; a son of Brigadier Farrington, G. B. Skipwith, Mr. Hedges of Wiltshire, who died of small-pox at the Academy, perhaps the eldest son of Sir Charles Hedges ; Mr. Murray, Edmund Turnor, Lord Finch, son of the Earl of Nottingham ; Count Rantzau, four Austrian counts (Lasberg (? Lisberg) [2], Auerberg (? Auersperg), and Cornfeldt), the Prince of East Friesland, and the Prince of Merseburg. For the two years at the Academy there is no diary. The family letters, however, help to fill up the gap. Paternal advice is constantly being given by Sir Justinian to his son : 'Consider what a despicable figure anyone makes that returns from abroad as great a fool as he went.' 'I am satisfy'd with the reasons you give me for cutting off your hair, but you might have writ to me about it before you had done it, and ask't my leave. If you have any inclination to play upon the flute, I am willing you shou'd learn, or anything else you have a genius for, but believe me without paines and application nothing is to be learnt, and 'tis only flinging one's money away. Consider how many years you

have learnt to dance, and I doubt because you ne'ere minded it as you ought, you perform it but indifferently.' 'I am very pleased you seem to be so delighted with languages, to be master of 'em is certainly the finest accomplishment a gentleman can have.' 'I am very ready,' adds Sir Justinian, 'to allow you a servant or anything else which may make you keep the best company.' Thereupon an allowance of 200*l.* a year is made. Nor is he to be forgetful of his Church. 'I am not a little pleas'd that the English Liturgy is us'd sometimes, for above all things remember to be firm to the Church of England.' Impatient to leave in 1706, his father has occasion to write, 'As to your continuing longer at Wolfenbüttel, I must tell you that my opinion is clearly that you shou'd stay one year more at the Academie, for this is the only time you have to learn anything in your whole life. You are young enough yet and have time before you.' So he stays at his studies. In 1707, plans for the much talked of tour are being completed. 'If you make the tour you talk of, I shall give order you shall be provided with what money is convenient'; but at the same time a warning is necessary, so it is added, 'I must confess I have discoursed with several gentlemen that have been at your Academie, who have told me that the allowance I have given you is as much or more than anyone can well spend there, unless Play is in the case . . . but I daresay you are never guilty, nor ever will be, of so destructive a folly, which has been the ruin of so many familys.'

Justinian left Wolfenbüttel on his travels June 20, 1707, with his cousin Edmund Turnor, Mr. Murray, and Mr. Selwyn, and did not return to Lamport till November 30. Their tour is to Saxony, Hanover, Hamburg, Lübeck, Denmark, and Berlin.

He sets out for Saxony with a special purpose, 'Being desirous of seeing y^{e} King of Sweden, and that part of Saxony where he was, j set out from Wolfenbüttel at 5 a clock in the morning in a coach hired for 8 days.' Dietfort (Dietfurt), near Halberstadt, which lay upon their way, was not

inviting, 'shut in by a mud wall, with miserable houses, and hideous inhabitants, especially the women. We lay there all night on a sheet layed over some straw.'

On June 23, 'In the morning we set out for Alt Ranstatt (Altranstädt) 3 miles or thereabouts, on the right j saw Merseburg whose Castle gives no ill appearance; before our arrival we saw at a distance some horsemen galloping, amongst whom as we were afterwards informed, was the King of Sweden. The house of Alt Ranstatt belongs to one Baron Friesen, the outside looked indifferently well, but it was bad enough within. Before his Majesty came out we went into his stables where were some horses, of which none seemed to be of any value, j saw one that was wounded over the nose with a Sabre at the battel of Narva, the King being on his back. In the dining room which was sadly furnished were some few life Guards, all lusty proper men, there are 200 of them, all gentlemen or reformed officers, j was told that the King had promised to give 10,000 Rix Dollars amongst them, when the war should be at an end, two of them stood at the King's chamber door, which were the only guards or Sentinels j saw about the house, they were cloathed in blew coats, with short turned up sleeves after the Sweedish manner, they had a belt, laced with gold for their swords, which are swingers, and another cross their shoulders. The table was laid, when we came in, and on the sideboard were some few silver guilt cups and others not guilt. Dinner being brought in between 12 and 1 a clock, consisting in several dishes that looked well dressed, and butter being set before each cover with which the Sweeds usually begin, in came the King walking very fast, almost double, and holding his sword. He is a tall thin man, very aukward and ungain, his face is not bad, he hath a large nose, good eyes but something wild in them, his hair is fair, short, and staring up an end, his dress was a black crape or some such thing about his neck, a blue coat, with short sleeves and brass buttons, over which was a great leather belt with a sword that reached not a little way, hanging to it, his wastcoat and

breeches were buff, he had large boots on, and to his hat a great brass button, which dress with his air, makes him look not very considerable, and deceived j was told a poor countrey Minister, who meeting him alone in the Garden, took him for one of the Attendants, and asked him to let him see y^e^ King, who answered he would, provided he gave him something to drink, and having received 4 good Grosches from the Minister, bid him come in when the King went to dinner which he did and was not a little surprised and frightned to find that he to whom he had given the money was the King, who was pleased with it, and order'd that he should be well treated, and 4 Ducats given him. His Majesty being not very well hardly eat anything, but sat most part of the time rubbing his hands between his thighs, and now and then looking very earnestly on some of those who were to see him dine, which were of several degrees; he said not a word except when he called for beer, which he did frequently, drinking no wine but a small sort of beer, when he refused a plate that was offered to him it was by signs, and when he took one he snatched it doing everything, one would think by springs. There dined with him Prince Ernest of Beveren (Bevern), one Count Spaar (Sparr), and 2 others, after they had been a little half hour at table, the King rose, and went out as precipitately as he came in, and scarce was he out but his Guards sat themselves down about the table. Several houses of the village being accidentally burnt, we dined in a tent where we payed sauce, there were with us 3 Sweedish Officers, 2 of which were Lt. Colonels, one told us that the King rid from his quarters to Leipzig, in 25 minutes, and that of several followers not above one or two were able to do it with him.' The next day a visit was paid to Leipzig. 'We went to see Mr. Robinson the English Envoy to the King of Sweden, who seemed to be a good hearty man, and with his Lady was very civil to us, he said that in 30 years he had been but twice in England, once about a year, and the other time only for a month, he gave this character of the King of Sweden, that he

was a Prince of great virtue and piety, but something too hard. . . . Mr. Robinson lodged in Romanus's house, as did also y^e^ Imperial and Dutch Ministers. The rooms were stately and well furnished, but j was told he employed the publick money for it, for which and other things, one being as t'is thought some personal spite he had against King Augustus, he was kept prisoner in the Castle of Konigstein, the intercession of the 3 Envoys that lodged in his house having hitherto not prevailed.' Marlborough, it will be remembered, about this time went on a diplomatic errand to Charles XII. who had driven Augustus of Saxony from the throne of Poland.

Resting but two nights at Wolfenbüttel, the same party again set out for Hanover, and on June 30, 1707, the diarist says, 'I went to Herrenhaus, the Elector's countrey Pallace, a little English mile from the town, the way the Princes go hath a row of trees on each side, but there is another for the people. The Electress having a fit of an ague, I only walked a little in the Garden. At night j made a visit to my Lady Bellamount who said she hoped the Electress was in no danger, and that that Princess used to say she should dy slumbring'; and on July 1, 'I went towards the evening to Herrenhauss, where j had the honour to kiss the Electresses hand, and walk with her in the Garden, she asked me several questions about the King of Sweden, &c. I saw there the Princess of Hohenzollern and her daughter, y^e^ two Rhogravinnes, the eldest first Lady to y^e^ Electress, Mademoiselles Pelnitz (? Pulssnitz), Brunau (? Brünow), and Tiefenbrugh (Tieffenbruch), the two last maids of honour to the Electress, a titular Bishop of some remote place, whose name I have forgot, but before he went by the name of Abbot Stephano, and Father Vota a Jesuit, Confessor to King Augustus, whose tongue never lay still, and whilst we were at supper he entertained the Electress, with several long storys, which he called Historiettes.' 'I designed to have been presented to y^e^ Prince and Princess Electoral, but having some few marks of the small pox, j was told by one of the gentlemen, that the Princess had not had it,

and was mighty fearfull.' On Sunday, July 3, a fire broke out at Hanover, 'I went to the place, but y^e^ streets being very narrow j saw little else but y^e^ smoke. I saw there the Prince Electoral on horseback attended by several of his gentlemen, he seemed to be little and had a very young look, some said he alight from his horse and threw a bucket of water into the fire.' There are several interesting letters from Sir Rowland Gwynne written from Hamburg to Justinian, one of them concerning this visit to Hanover, May 11, 1707, 'You tell me that you shall leave your academy next month. . . . The Elector is at Wyehauson (Wierhausen), a staghunting, and will return to Hanover next week, his E^l^. Hs. will goe to the waters of Pirmont about the middle of June and stay there about three weeks. I beg that you will delay your leaveing the Academy, and goeing to Hanover, till the Elector's returne from Piremont, you may then be with him some time. I am perfectly well in the favour and friendship of the Court of Hanover, and I will heartily, most heartily, serve my friends, with all the interest I have, but you above all men living. . . . I have lately received two very kind letters from the Electress, and Elector. . . . Mr. Howe is gone for England and will not return for Hanover, and I have received such kind messages (by Mr. Wych) from my Lord Duke of Marleborough, that I have reason to believe I shall succeed him as Envoye there.' 'The Elector seems a cold reserved Prince at first sight, but when you are acquainted with him, you will find him a very wise man, very affable, and a very good friend, &c.'

The position of the Electress Sophia was becoming more and more important. It was evidently wise to stand well with the lady who might become Queen Sophia of England. 'I am glad,' says Justinian's father, 'to hear that you have been at Brunswick and kissed the Electress's hand,' and again, 'I wou'd have you go to Hannover for some time to make your court there, which I believe may be kindly taken.' Early in 1708 he was again received by the Electress, who said pleasant things to him.

At Hamburg, July 12, 1707, he says, 'I dined at La

Fontaine's in company of Tiesenhausen, lately Lt. Generall to King Augustus, whose service he quitted, being born subject to the King of Sweden, as also Brigadeer-Generall of the French, from whom t'is said he hath a pension, and not undeservedly, for he speaks violently for them.' Here there was a great deal of entertaining, dinners and 'tea-drinkings.' There were Residents from the different courts, Baron Liendall (? Lihenthal), son of a Count Guldenlew (? Gyldenlöve), formerly Major-General of the Danes, Count Schack, a general officer in the French service, who lost an arm at Blenheim.

Sailing from Travemünde, he landed at Copenhagen, and waited on Mr. 'Poultney' (Pulteney) the British envoy, who the next day carried him to Jagerburg, an indifferent hunting house, where the court was. 'I was presented by the Marshal to his Majesty [Frederick IV.], who made a kind of a bow but said nothing, he is not tall, and his person but indifferent.' From the top of the round tower, joining to St. Francis's Church, he had a view of the fleet, 'the biggest ships were Christian the fifth and Frederick the 4th, carrying upwards of 100 guns, the Eliphant another large ship lay aside of the first, the ships seemed to be too short built for the number of port-holes; by what j could guess, for they lay in a line of 4 ships, there might be between 30 and 40 men of war for the line of battle and otherwise.' One day he was 'presented to the Prince Royal a good pretty red hair'd boy,' and also 'to the Queen, as she came out to dinner,' and 'saw there Prince Charles the King's brother who is little and crooked.' On August 13, 'Mr. Walter, Hofmeister to the Queen, having lent me a horse, j went a staghunting with the Court, in Jagersburg park, which is about 2 miles and a half round. The King, Prince Charles, and Count Guldenlew, were on horseback, with a great many Gentlemen of the Court, the Queen, Princess, Prince Royal, and other Ladys were in open Chaises, in a hunting garb. One Oliver an English man is the chief huntsman. A stag being killed and everybody having got a green bough, we went to a little house in the park called the Hermitage, where j saw the Prince Royal

ride for the first time on a pretty little horse, upon a kind of side saddle. The table where the King dined, came up of itself, ready cover'd, and everything set so, that there needs no body to wait, the King 'tis said then is much more free than usual.' Two days later he waited on the Queen-mother, whom he describes as a 'lusty woman,' who 'spoke very civilly' to him. He had been taken by Mr. Pulteney to see her one morning before, but was not admitted 'she being not drest.'

On August 22 he saw 'sailing into the Sound several English Merchant ships of a fleet that was coming behind.' The next day he had supper with the captains of the English squadron: Boyes of the *Bonadventure*, Allen of the *Mountague*, Canning of the *Worcester*, Kempthorne of the *Tyger*, Lake of the *Colchester*, Gore of the *Bristol*, and Lord Duffus of the *Portsmouth*. Sir William Whetstone commanded the squadron. He was with the officers every day till they sailed on the 28th. Once more at Hamburg, Sir Rowland Gwynne and he went to 'wait on the Count of Guldenstein (? Gylden-Stierne), General Governour of the Dutchy of Bremen, who was at Hamburg to settle some differences between Denmark and Holstein.' The last important visit before returning is to Berlin. He waits upon Lord Raby, the English Ambassador, and is taken by him to dine with the Countess of Wartenberg, Lady to the Grand Chamberlain. In the afternoon, he says, after service, 'I went away with my Lord round the walks of the new town, in a coach lined with crimson velvet edged with gold, and finely guilt, drawn by 8 fine horses with a Page before, and 2 Heydukes on the sides of it, besides 6 footmen and a running one.'

In the Rarity Chamber of the Castle he saw many curious things, including 'the Bible King Charles the first had during his trouble, and at the time of his death.' On October 2, 'My L^{d} carried me with him to Charlottenburg, where he presented me to the King [Frederick I.], who asked me if j was come from Hannover, and one or two questions more, his Majesty was it seems in very good humour, he is

very little and crooked, but hath something good natured enough in his countenance, he had a red coat on ; there were not above 2 or 3 gentlemen about him, those that go to Court leave their swords behind them.' On October 3, 'I went to wait upon Mr. Robinson the British Envoy to the King of Sweden who was come from Saxony, afterwards j was at Court in the Prince Royal's Apartments, where j saw the Meeting of the King and Princess, who kissed her twice, she as much as j could hear excused her being in a scarf, she seemed pretty, but looked pale and thin, the Prince Royal is short and thick, hath a handsome face, and wears a black wig, j saw also there Margrave Christian a jolly looked man, the King's brother.'

On October 9 he leaves Berlin, and on the way home makes his farewells at the Academy and Court of Wolfenbüttel, and to the Electress at Herrenhaussen. He is once more at the Hague, where there were many English officers. He is at a ball given by the Duke of Arenburg, and at an opera where the Duke of Marlborough was also present. At Helvoetsluys the latter was expected with impatience. 'After much expectation the Duke came, he went into the Sun, an English house where j lay, he drank a glass of wine, and played a pool at Picket, with my L^{d} Staires [Stair] and Col. Tyrell. Between 9 and 10 at night he went aboard the *Peregrine* Yacht, and was saluted by the guns of all the other yachts.' On his return, Justinian soon finds his way to Lamport. One of his brothers, duly impressed, expresses the opinion that the traveller is now 'a fine gentleman,' but a 'man of very few words.'

The next foreign diary describes the Grand Tour in 1719. Edmund Turnor, his first cousin, one of the Turnors of Stoke Rochford in Lincolnshire, accompanies him. They set out by way of Calais June 19, and visit Belgium in July, reaching Paris in August. On August 14, 'I saw for y^{e} first time y^{e} young King, in the Tuillieries Gardens. He was in a Pleasure boat upon y^{e} Basin, and afterwards was carried about y^{e} Garden, with Marshall Villeroy his Governor, and

behind y^e^ Duke de Villeroy, y^e^ Marshall's son Capt. of y^e^ Guards, and y^e^ Sub-Governor.' Proceeding south they reach Toulon, and coast along the Riviera to Genoa. The chief Italian cities are visited. Near Turin he sees the King; at Parma 'the Duke as he went to take the air in his coach, attended by the two Princes his sons and 3 Princesses his Daughters on Horseback.' Three months are spent in Rome. But the Pretender was there. Previously on July 28, 1715, in view of his coming, Sir Justinian had written from London, 'There is a letter come to-day from L^d^ Staires, w^ch^ gives an account that the Pretender is still at Bar-le-duc, but that he believes will be ready to come over when he hears there is an Insurrection in his favour in Scotland or England, w^ch^ I hope will never be, and this is all our great Alarum comes to.' Now, politically wise and careful not to offend the authorities at home, he sends a warning to his son at Genoa, October 24, 1719, 'The Pr^dr^ being now at Rome 'twill require a good deal of caution how you behave yourself in that respect, for this Court have their Spies in all parts.' On January 9, $17\frac{1\,9}{2\,0}$, he sends a further warning to Rome, 'I am glad to find your travels prove so pleasant to you, and I don't question but your stay at Rome will be no less diverting, tho' I am sorry there is a Person there, that must make it pretty difficult how you manage in that respect. After you have compleated, as you say, the Tour of Italy in the spring, I hope you will look toward home.' Naples with an ascent of Vesuvius, April 4, 1720, Rome again for the ceremonies of Holy Week, and Venice for Ascension Day and its processions, are visited in turn. Finally the travellers are carried in chairs over Mont Cenis, and reach London at the end of July 1720.

Home Diaries

The Home Diaries begin July 20, 1708, and end November 14, 1736. They present us with a picture of everyday life, chiefly in the country, but partly also in London.

There are constant references both in diaries and letters to the journeys to and from London, and the dangers of the road. The coach was generally joined at Dunstable. On returning from London, there are instructions that the chaise is to meet the writer at Dunstable, 'If there can't be six Mares, the Coachman must drive with four.' Another time the coachman is to be at the same place 'with the six Mares and only the Harness without the Chaise, for I have made a Machine to carry me down.' Often the roads are very bad and the coach is overturned. This was a very common occurrence on the Northamptonshire roads, and in one of the letters it is remarked that things had been reported as worse than they really were, since on one journey they had only been overturned twice! In January 1710 the ways were so bad that the Northampton coach made the journey to town in three days. In 1720 Sir Justinian was robbed on the road. He was set upon by three highwaymen near Dunstable. Luckily he had only 3*l.* or 4*l.* with him. His portmanteau was opened, and they took out, he says, all his linen, nightgown &c., but his gold watch was the greatest loss 'on account of whose it was.' They sent him again his table-book and keys. Young Justinian, who has heard of it, writes from Rome, 'it were to be wished some effectual way could be found to clear the nation of those Rogues, and make travelling in England as safe as in these parts, where 'tis a very rare thing to hear of a Robbery upon the Highway.'

In March 17$\frac{0}{10}$ he was present at Dr. Henry Sacheverell's trial, the Queen being present one of the days. 'There was so much company that tho' I got there not long after seven, j had no extraordinary place.' On March 9, 'All the conversation in town runs upon this trial, the Ladys get up by 4 a clock in the morning to go to it and all foreign or home news . . . . are quite laid aside.' On March 17 he was at the House of Lords, when they discussed the articles of the impeachment. 'The Bishops of Lincoln and Norwich seemed pretty severe upon the Dr. in their speeches, nor was less the Bishop of Salisbury, who seemed to speak with some heat.'

On May 27, 1711, Sir Thomas Mansell acquaints him that he is made a commissioner of the leather tax. He accordingly sets out the next day for London, and pays visits to Sir Thomas and the Earl of Oxford, and promptly takes his seat at the board, in the office in St. Martin's Lane, the other five commissioners being Philip Ryley, George Townsend, Richard Shoreditch, Roger Millart, and William Walbanck.

He was often at court, and notes the presence of personages such as Prince Eugene of Savoy, whom the Queen presented with a sword set with diamonds. This was on the Queen's birthday, February 6, $17\frac{1}{1}\frac{1}{2}$. A month before, January 9, he had written, 'I was at Prince Eugene's Levée at Leicester house. He is not so little as j have heard him represented to be, of a swarthy complexion, and something very brisk about the eyes. He had with him a Nephew, j think they called him Prince Thomas of Savoy': a note says he was generally called the 'Chevalier de Savoye,' the report of whose death from small-pox is noted on February 25.

After the Queen's death, the diarist records, September 19, 1714, 'I went to Greenwich where y^e^ King and Prince landed the evening before, and had the Honor of kissing his Majesty's Hand, being introduced by y^e^ Earl [*sic*] of Dorset,' and the next day he saw the King make his entry.

In November Lord Halifax told him in 'very obliging terms' that he was to be continued in his office. A few days later, however, Lord Halifax informs him with a good deal of concern that a certain person not then proper to name has insisted that his name be struck out. Sir Justinian, not over well pleased at this, writes to his son, 'Such a piece of goodnature can come from nobody but a neighbouring L^d^.' The King when he understands the matter promises preferment on the first opportunity. So Justinian returns to country life.

In 1712—perhaps we may remember Thackeray—Justinian writes to his father, 'This morning a fatal duel was fought in Hide Park between Duke Hamilton & L^d^

Mohun, the latter was kill'd on the spot, and the Duke who received three wounds died as they were bringing him home. L^t^ General Mackartney and one Col. Hamilton were seconds, the first to the L^d^, the other to the Duke, 'tis said they also fought, and the Colonel is much wounded, but so many different accounts are given of the whole, that the truth is not easily learnt, for some people have got it, that after L^d^ Mohun fell, Mackartney run in upon the Duke and stabbed him. This quarrel was occasioned by some high words which passed betwixt them, at a Hearing before a Master in Chancery about their Law Suit.' Another duel, in 1711, was between Sir Cholmondley Deering and Mr. Richard Thornhill, who fought with pistols, the first being mortally wounded.

Whilst in London, the writer of the diary notes regularly his attendance at different churches, and at St. James's Chapel, where he hears the best preachers of the day.

On week-days he notices the production of various plays or operas, amongst them Richard the Third in the 'Hay Market house.' In 1712, 'I was at y^e^ Play where there was great disturbance concerning Cibbar, whom they hissed & catcall'd off of y^e^ stage'; a month later, 'I looked in at y^e^ Play house, it being Mrs. Oldfield's benefit night, which quickly after was put in a confusion by a Party who espoused Mrs. Rogers' cause, and declared against Plays by subscription, and what by Catcalls and hissing there was such a disturbance, that y^e^ Curtain was forced to be let down, and y^e^ Audience, which was very numerous, to retire.'

On April 24, 1710, 'At the Play house j saw three of the W. Indian Kings, who were come into England to ask her Majesty's Protection against the French.'

Backgammon had its votaries. Under date April 26, 1712, 'About 10 a clock in y^e^ evening I was at Toms Coffee house, Covent Garden, where in the little room I saw playing at Back Gammon one Mr. Glanville and Mr. Swiney. They begun about 10 or 11 the night before and had continued playing ever since, and one Mr. Pentlow sat by all y^e^ while.'

When at Lamport, it is needless to say that hunting, both fox and hare, occupied much time in the season. The Ishams had held their lands at Pytchley from a very early period by grand serjeantry, on the condition of finding hounds to destroy wolves, foxes, polecats and other vermin. In 1608 Sir John Isham of Lamport had hounds, being fond of hunting reynard. The diaries from 1710 are full of notes with regard to it. Sometimes a bag fox was turned up. More than one neighbouring parson joined in the chase. The ladies too were mounted and accompanied them. On December 11, 1731, the diarist (now Sir Justinian) writes to a brother, 'I return'd yesterday from poor Mrs. Knightley's Funeral, she was buried the night before, S^{r} John Dryden, S^{r} Robt. Clarke, Mess^{rs}. Cartwright, Stratford and Thornton with myself were Bearers. Mr. Knightley did us y^{e} favour to sup with us, and when we left him the next day was going to hunt.'

Racing also finds a place in diaries and letters. There were races at Northampton, Harleston Heath, Rothwell, Irthlingborough, and on Borough Hill near Daventry. After the races at the last place the company adjourned to the Wheat Sheaf at Daventry, still standing, and known as the house where Charles I. stayed six days from June 7, 1645, just before Naseby; here they danced all night.

The marriage of Justinian, as the eldest son, was of course an important question. Various suggestions and proposals, not in the modern sense of the word, are made from time to time, the business, for it was a business, being conducted in the more matter of fact and reasonable way of two centuries ago. In 1718, there is a lady who might suit. Justinian's uncle, John Isham, makes inquiries. Her fortune was represented to be greater than it was likely to be in reality. The lady has an estate, but if sold, it is thought it would not fetch more than 13,000*l*., which is not considered sufficient. His father writes to the would-be suitor, 'I have desired my B^{r} to make a farther enquiry into the Lady's circumstances, but they seldom prove better, than they are given out at first.'

Either this lady or another was being discussed in 1719, but the matter consists of 'so many particulars,' and there must be 'in all probability a world of trouble,' so the project hangs fire and is given up. In 1723 there is another proposition, this time to a daughter of John Essington, of Berkhamstead in Hertfordshire. The lady is to have 10,000*l.* down, and has considerable expectations. The two fathers meet at dinner at a friend's house, but the negotiations fail. Eventually a lady is found, the daughter and heiress of Lisle Hacket, of Moxhull, in Warwickshire. When arrangements have been made Sir Justinian writes to Mr. Hacket, 'I think there remains nothing more but an interview betwixt the young couple.' Mr. Edward Homer is deputed to find out a present acceptable to the lady. 'I find,' he says, 'a pair of Ear Rings will be as agreeable a present as any whatsoever, and I hope those will come within the compass of 200^{li}, for I am sure Mr. Hacket and the rest of the family too would be much concern'd and uneasy if you exceeded that sum.' A few days later he encloses a thread to give the size of a ring to 'fit Miss Hacket's finger as near as can be guesst.' On February 1, 17$\frac{24}{25}$, the diarist records, 'Proposals having been made for a marriage between me and the only daughter of Lisle Hacket, Esq., j set out with Mr. Lyne for Moxhull in Warwickshire and lay at Coventry.' February 2, 'We arriv'd about noon at Moxhull.' Impressions were evidently favourable. 'I am very glad,' writes his father, 'you are so well pleas'd with your Reception in Warwickshire, and that you like the young Lady so well.' The 'business' came to a happy termination, for on June 4 'the Marriage Writings were sign'd at Lamport.' On August 16, Lisle Hacket writes to Justinian with regard to the wedding arrangements, and adds, 'If you think my wife is too tedious in prepareing my daughter's cloths and other necessaries, as I fear you do, I am now to acquaint you that it will not be long before all things are ready.' On Saturday, September 11, the happy bridegroom records, 'I was married in Wishaw Church in y^{e} Chappel belonging to y^{e} ancient Family of y^{e} Lisles by Mr.

John Smith the Rector to Mary the only child of Lisle Hacket, of Moxhull, Esq. and Dorothy his Wife the Daughter of S^r^ John Bridgeman of Castle Bromwich in Com. War. Bart.' The marriage proved an exceedingly happy one, as is testified by the letters of either to other when separated. In 1726 William Bromley, son of the Speaker, and Justinian's cousin, gave up the tenancy of Newhouse, near Coventry. There Justinian and his wife lived till in 1730 he succeeded his father at Lamport. His father's death caused a vacancy in the representation of the county.

The Earls of Cardigan and Northampton, and the Duke of Bedford write urging him to stand, as 'the properest person to support y^e^ true interest,' in the words of the Duke. On May 26 there was 'a very great appearance of Lords, Gentlemen, and Clergy at the Sessions House,' in Northampton. William Hanbury, the squire of Kelmarsh, contests the seat. On June 8 the election begins. Four booths are erected on the Market Hill, and two outside the town on account of the prevalence of small-pox. Lord St. John and Lucy Knightley, the squire of Fawsley, bring in large bodies of men. The excitement is great as the varying state of the poll is made known each day. On the third day the mob cannot be restrained on finding there is a majority in favour of Sir Justinian. 'They took me,' he says, 'by force and put me in the Chair.' The fourth day the books are cast up, and the numbers appeared: Isham 2171, Hanbury 2000.

On June 23, Sarah, Duchess of Marlborough writes:

'I have receiv'd the Favour of your Letter, and I am extremely glad to find you accept so kindly what I endeavour'd to do in serving you: I did my best, but fear'd it wou'd not be of much use; I sincerely wish you may be of the majority the next Session, because I am sure you will never Vote for Hessian Troops, nor for anything that is not truly for the Interest of your Country. I am, S^r^ with all imaginable Respect,

'Your most obedient and most humble servant

'S. MARLBOROUGH.'

On March 5, $17\frac{36}{37}$, Sir Justinian died either in London or near it. Instructions are given that he is to be 'brought down in a handsome manner, but not in a pompous one.' The hatchment, with the family mottoes above and below, is put up. A marble bust forms the centre of an elaborate monument. The pictures of himself and his wife still hang in the great hall. But the diaries, letters, and note-books give us a more lifelike picture of this early eighteenth century squire, traveller and antiquary, and his doings at home and abroad.

THE MINORITY OF HENRY III.—PART II.

By G. J. TURNER, M.A.

Read January 17, 1907

I. *The Authorities.*

THREE years ago I read a paper to this Society on the subject of the minority of Henry III.[1] Part of that paper was published in a somewhat enlarged form in the 'Transactions' of the Society for 1904, and part was reserved for publication in a subsequent volume. To-night I shall read some introductory words which I was then obliged to omit. They are concerned partly with the authorities for the period, and partly with the state of political feeling in the early years of the reign.

The authorities fall into two main classes, records and chronicles. To speak first of the chronicles, for it is upon them that modern historians until a few generations ago have almost exclusively based their work. For the early years of the reign there are but few English chronicles of primary importance. There are the two chronicles proceeding from St. Albans Abbey, the one compiled by Roger of Wendover, who died in 1236, and the other by Matthew Paris, who succeeded him as historiographer of the abbey, the 'Memoriale' of Walter of Coventry, derived from the Annals of the Austin canons of Barnwell, the chronicle of Ralph, the abbot of the Cistercian house of Coggeshall in Essex, the Annals of the Austin priory of Dunstable, and the Annals of the Benedictine abbey of Burton in Staffordshire. There are also

[1] *Transactions of the Royal Historical Society*, N.S., vol. xviii. p. 245.

a few others which taken together throw some light on various matters of detail, but which individually cannot be compared with those just mentioned. It will be noticed that all these English chronicles not only proceed from monasteries, but all of them, with the exception of the thoroughly impartial annals of Burton, proceed from monasteries in the Eastern Midland counties. It is not surprising that writers belonging to the same profession and domiciled in the same part of the country should hold the same strongly partisan views of the politics of the period. Yet these chronicles have until recently been used as almost the sole material for the history of the period. It is upon them that nearly all estimates of character—estimates which have become almost traditional—have been based. The monks have told us their story, and very good reading some of it is. We must accept it for what it is worth; but we need not and should not take it as impartial.

In considering the tone and credibility of the monastic writers it will be well to remember that there were a few annalists about this time who were laymen and men of action. There was the minstrel of the young Earl Marshal, who composed a French song in honour of his father the great Earl Marshal. An especial interest attaches to this song, as father and son fought on opposite sides during the civil war, and the son was soon to become both the private enemy and the political adversary of some of his father's associates. Then there was the Flemish knight who wrote an admirable account of the French invasion, which is known as 'Histoire des ducs de Normandie et des rois d'Angleterre.'[1] He tells much that we cannot learn elsewhere. These two writers breathe the spirit of men who have travelled and seen; they have a wider outlook on life than the monks, and they speak with an easy toleration of

[1] Edited by the late Francisque Michel for the Société de l'Histoire de France. A chronicle closely resembling this is printed in *Recueil des Historiens des Gaules et de la France*, tom. xxiv. p. 750, with the title *Chronique Française des rois de France par un anonyme de Béthune.*

all parties. Unfortunately both the minstrel's song and the knight's history cease with the death of the Earl Marshal.

One of the great defects of the chronicles is that they were composed at irregular intervals. If a man were to write a history of the past ten years, and if, ten years later, ignoring his earlier work, he were to write the history of the past twenty years, his second account of the earlier period would probably differ considerably from his first. During the second period he would have found reasons for changing his opinions on men and events. We could interpret our chronicles far more easily if we knew when they were written. There is reason for thinking that Roger of Wendover's account of the early years of Henry III. was composed at a considerably later date. He says, for instance, nothing of the departure of Guala and the succession of Pandulph, and when he speaks of the legate being at Bytham in February, 1221, he calls him Walo.[1] Omissions and mistakes such as these are likely to have been made by a chronicler writing some years after the events which he is describing. Roger of Wendover certainly writes less as a partisan than his successor Matthew Paris, which makes him in some respects the more trustworthy of the two. His accuracy, too, is on the whole commendable. In an excellent account of his life and work in the 'Dictionary of National Biography,'[2] Mr. William Hunt has drawn attention to some of Roger's mistakes, such as asserting that the second coronation of Henry took place at Canterbury instead of at Westminster. There are not a few such mistakes as these, which require correction from the records and other sources. It is not unlikely that many of the additions and corrections which Matthew Paris made in revising the chronicle of Roger of Wendover after his death in 1236 are based upon information supplied by Hubert of Burgh. During the king's minority Hubert several times visited the abbey, and Matthew Paris no doubt had opportunities of making his personal acquaintance. In 1232 Hubert appointed as his steward

[1] Ed. Coxe, vol. iv. p. 67.

[2] Vol. lx. p. 250.

Lawrence of St. Albans, a clerk of the abbey, whose defence of his lord against the king's charges appears in Matthew Paris's 'Additamenta.'[1] The body of Hubert's daughter, who married Richard of Clare, Earl of Gloucester, rested for a night in the church at St. Albans in 1237, and Hubert gave a silk cloth to the monks in honour of her memory.[2] Several of the paragraphs which Matthew Paris added to Wendover's chronicle relate to Hubert, and some of them read like reminiscences communicated to the chronicler. The most interesting of them is the account of the great fight in the Channel on August 24, 1217, when Eustace le Moin was slain. Roger of Wendover, though giving a full description of the battle, omits Hubert's name. Matthew Paris gives an independent account in which the entire credit of the victory is given to Hubert.[3] There can be no doubt that the great statesman deserves credit for his share in the victory, but the marginal note of Matthew Paris is significant: *Nota fidelitatem Huberti de Burgo.* A similar note appears in another additional paragraph describing the parley between Hubert and the Earl of Salisbury at Dover soon after the king's accession.[4]

Let us now turn to the records. These dry and colourless collections of facts are for the most part mere memoranda of administrative proceedings. From them we should expect to learn much of the machinery of government and very little of parties and policy. But, imbedded in these same memoranda, lies much of more general historical interest. Attestations, for example, tell us of the king's court and its movements. Formal descriptions of persons throw useful light on offices, genealogy and relationships. Above all recitals and other incidental clauses in royal letters give us hints of policy and its motives. These memoranda of official acts form the backbone of the rolls of the chancery, from which a fairly continuous history of administration might be

[1] *Chronica Maiora*, Rolls Series, vol. vi. p. 63. *Gesta abbatum monasterii S. Albani* (Rolls Series) vol. i. p. 328.

[2] *Chronica Maiora*, vi. p. 390. [3] *Ibid.* iii. p. 28. [4] *Ibid.* p. 3.

written. On the other hand the miscellaneous and imbedded information just described varies in bulk and importance. Of some men and events we may learn much, and we may learn it unexpectedly ; of others our experience may be quite the reverse, and our records will teach us nothing. But when we add all that may be learnt from the rolls of letters patent and close to all that may be gathered from the plea rolls and the records of the exchequer, we have a rich mass of historical material.

But I wish here to emphasise the fact that too much reliance must not be placed upon records, for there are striking omissions to be noticed among them. In the first place many valuable documents have been lost, and there is no hope of their recovery ; this is the case with a considerable number of the rolls of the chancery of the thirteenth century. In the second place the clerks of the Middle Ages had very much the same virtues and failings as the civil servants of to-day, and so it often happens that through carelessness we have no record of instruments which certainly ought to have been enrolled. Thirdly, there can be no doubt that many official documents were never intended to be recorded on the rolls of letters patent and close. It is not, for instance, a mere matter of negligence, still less is it due to political reasons, as has been suggested, that King John's Magna Carta is not found upon any of the chancery rolls. Throughout the greater part of the thirteenth century it was the general practice not to enrol royal statutes and ordinances. None, for instance, of the subsequent issues of Magna Carta or the Charter of the Forest are enrolled. A special series of statute rolls begins with the year 1280, and before that date their place was probably taken by various official registers of the type of the Red Book of the Exchequer which have long since been lost or destroyed. Thus for nearly the whole of the thirteenth century we know that the chancery records may fail us for at least one class of important documents, legislative acts. Similarly a large number of papal letters were never registered. We have, for

instance, no knowledge of those by which the legate Pandulph was recalled.

Still the records with all their deficiencies, and in spite of occasional difficulty in interpreting them, must always afford a better basis for history than the chronicles. But if it is a rich mass of historical material which they supply, it is an undigested mass which needs constant criticism. New facts will come to light again and again, some by deduction and others by investigation of documents which have not yet been calendared. From time to time narrative history must be rewritten, and well-established generalisations must be revised in the light of new information.

I have spoken at some length on the authorities, because I think it well to offer some justification for the dull account of certain men of the period which I read to this Society two years ago, and which will, I hope, be printed as part of this paper. If in the future narrative history is to be written on a large scale, long and detailed monographs must lie in numbers on the historian's table. These will be tedious even to the learned reader, for few writers of monographs have the gift of style. In the sections which follow I make no attempt at writing elegant narrative. But I endeavour to correct what appear to me to be misconceptions, and to bring to the light of day a few new facts and ideas. I wish it to be understood that I have no desire to exalt those who have been accounted bad, nor to disparage those who have been accounted great. It is impossible to determine the characters of men in bygone ages with any degree of precision.

II. *The State of Political Feeling.*

It has been too readily assumed that the state of parties in England in the early years of Henry III. was much as the monastic chroniclers describe it. We might gather from them that all classes accepted the regency of the great Earl Marshal during the first three years of the reign ; that on his death there stood on the one side a powerful party consisting

of the nobles, the bishops of English birth, and all law-abiding people; and on the other a mixed party, consisting of aliens such as Fawkes de Bréauté and Pierre des Roches, and of a small group of 'feudal anarchists' such as Ranulph, Earl of Chester and William, the Count d'Aumale. This is a description which should not be accepted unreservedly. In order to understand the true state of things we ought to go back to the reign of John. That king by oppression, extravagance, and evil reputation, had provoked his barons into rebellion; yet it should not on that account be assumed that all the demands of the barons were reasonable, or that all the people of England were on the side of the barons. It accorded ill with the ideas of the period, and indeed with those of a much later period, that a king should be stripped of his power and compelled to delegate his sovereignty to a committee of his barons. The benefits of Magna Carta need not blind us to the possibility that many of the nobles may have thought that the proceedings by which the barons extorted their charter from John were as dangerous as they were revolutionary. Moreover, the Magna Carta which eventually became the law of England was very different from the Magna Carta which John was forced to grant, and for the observance of which his barons took such unprecedented security. Many politicians who thought that John's Magna Carta was dangerous might have readily enough advised his infant son to grant the modified charter of 1216. There was nothing inconsistent in this respect in the conduct of the great Earl Marshal and other royal counsellors. In assenting to the Magna Carta of November 1216, they in no way violated the ancient constitution of England; they merely conformed with the precedent set by Henry I. in granting a charter of liberties on his coronation. Many great reforms have been carried in the last few centuries which contemporary statesmen have denounced as wicked and revolutionary. But even if all are agreed that they have been highly beneficial, it is well recognised that their opponents were for the most part upright, conscientious men, whose opposition to

them was based on patriotic grounds. It is even admitted that some of them were possessed of no little political sagacity. It is likely that this was the case with some of the opponents of Magna Carta as first issued.

In considering the state of popular feeling during a civil war, a most pertinent subject of inquiry is, which was the winning side? Now, even just before his death, when John's fortunes were at their lowest ebb, he was in military occupation of a great part of England. This, too, was at a time when he had in his service but few foreign mercenaries, whereas the barons on their side had Louis, with a host of foreign knights, the Prince of Wales, and the King of Scotland. John must have lived in constant terror of fresh invaders. His people were already overtaxed, and his treasury was empty. Yet he held his own. However little the English people may have respected their king, a large part of them, to judge by the issue of the war, must have sympathised with him rather than with the insurgent barons. And this is not remarkable, for of the total number of the barons, which was by no means large, a formidable minority was on the king's side. The Earl Marshal, Ranulph, Earl of Chester, William, the Count d'Aumale, William, Earl of Derby, Hugh de Bailleul, Richard fitz Roy, and Robert de Courtenay were men of great local power; they were active in the cause of the king, and each of them was the feudal lord of many knights. Then there were baronies in the king's hands as escheats or by reason of wardship. Most of them had been placed in the custody of men who could be trusted to support the king. A greater source of strength to John was the Church, with which he had made a lasting peace.[1] If the Archbishop of Canterbury had taken a prominent part in securing Magna Carta, there is no reason for thinking that he gave the barons any support when the war had once begun. From its beginning until six months after peace was

[1] The bishop-elect of Ely was opposed to the king; but Fawkes de Bréauté seems to have had no difficulty in driving him away from his see. *Calendar of Papal Letters*, i. 49; *Foedera*, vol. i. part 1, p. 155.

made he was at Rome; and even if he had been disloyal to the Pope and his fellow-cardinals, in that distant city he could have done little to influence public opinion in England against the king. But we need not doubt his loyalty; for we are told that when he returned to England it was with the favour of the Roman Court.[1] Each of the bishops held a barony, and had under him a number of knights from whom he had received homage. The episcopal manors and castles were therefore centres of political influence. The bishops could do even more for the king's cause than the barons who remained loyal to him; for they were the leaders of the English clergy. Under their guidance the parochial clergy seem to have supported the king. The registers of Hugh of Wells, Bishop of Lincoln, which still exist and have been printed, show that the number of his clergy who were deprived of their benefices for supporting Louis was small.[2] The number is likely to have been smaller in some of the other dioceses, where the power of the insurgents was less strong than in the Eastern counties.

When the great Earl Marshal died, in 1219, all the castellans and sheriffs were, with three exceptions, men who had been appointed by John, and who, as explained in the first part of this paper, continued to hold office during his son's minority. The exceptions were William Marshal, the son of the dead regent,[3] and now Earl Marshal himself, the Earl of Salisbury, his intimate friend, and William de Warenne, the Earl of Surrey. The other barons who had fought against John were admitted to the king's council, and took their part in governing the country. Thus among the witnesses to the ordinance of November 1218 against grants being made in perpetuity during the minority, we may notice the Earls of Arundel, Gloucester, Hereford, Essex, and

[1] *Annales Monastici, Wigornia*, vol. iv. p. 410.

[2] *Publications of the Canterbury and York Society*, vol. i. *passim.*

[3] The young Earl Marshal only held the castle of Marlborough (*Rot. Litt. Claus.* i. 521), but he was appointed warden of the Mint in England on February 21, 1218 (*Pat. Rolls*, p. 138).

Oxford.[1] None of them were treated with the same consideration as the Earl of Salisbury and the young Earl Marshal, who no doubt received special favour, the one as the king's uncle, the other as the regent's son. We may suspect that this gave rise to much jealousy with those who had fought from first to last for the royalists. We may suspect also that this jealousy was hard to restrain when it became known that the young Earl Marshal was to marry the king's sister Eleanor.[2] Early in the reign Fawkes de Bréauté and the Count d'Aumale were on terms of personal hostility with the Earl of Salisbury and the young Earl Marshal. But there is no evidence that Fawkes and the Count d'Aumale made common cause against the two earls.[3] On the other hand at the beginning of the reign there were also differences between the royalist leaders themselves. During the course of the war Pierre de Mauley, warden of Corfe Castle, was more than once directed to deliver William of Lancaster, a prisoner then in his custody, to Ranulph, Earl of Chester. Guala and several magnates at last wrote to Pierre informing him that the earl, partly on account of the detention of William, had threatened to go on a crusade forthwith, and had only been induced to stay by their urgent entreaties.[4] They accordingly begged him to send his prisoner at once to Gloucester. As we hear no more of the matter, and the earl's crusade was postponed for a time, Pierre no doubt complied with the order. So, too, there was something very like a private war in 1221 between Fawkes de Bréauté and some of the Devonshire barons, including Robert de Courtenay, the sheriff of the county and one of the executors of King John's will.[5]

It is hard for us to estimate the popular prejudice against

[1] *Patent Rolls*, p. 177 ; *Foedera*, i. part 1, p. 152.

[2] Robert de Courtenay was ordered to deliver Eleanor to the Earl Marshal on February 5, 1224 (*Pat. Rolls*, p. 426).

[3] Fawkes was engaged in litigation with the Earl Marshal about land in Kent and Bedfordshire (*Curia Regis Rolls*, No. 72, Roll 10 ; No. 73, Roll. 7d ; No. 75, Roll 1 ; *Bracton's Note Book*, ii. 89, case 102).

[4] *Foedera*, vol. i. part 1, p. 146.

[5] Shirley, *Royal Letters*, i. 172.

men of alien birth some seven hundred years ago. To do so with any precision would be impossible. At the beginning of the thirteenth century many of the English nobles still possessed property in Normandy. They were as much Normans as Englishmen. When Normandy was lost to the King of England the Norman spirit must have lingered with the Norman language. That language was for long spoken in our courts of law. It was still spoken there—feebly and falteringly, no doubt—in the days of the Stuart kings. The laws, too, of England and Normandy had much in common. Very different was it with Gascony and Poitou. There was no Gascon or Poitevin conquest of England. It was by marriage only that the territories came under the sway of the English Crown. Our nobility never held lands or lordships in the South of France. Politically the Poitevins had more in common with the Gascons than with the Normans. South of the Loire men spoke various dialects, many of them dialects of the Languedoc, which differed as much from those of the Languedoil, as modern Spanish from Italian. We may well believe that Englishmen of the thirteenth century found it hard to accept Poitevins and Gascons as friends or even political associates. Probably men of Norman birth felt the same difficulty. But it need not be supposed that all the Poitevins resident in England were destitute of political ability or that they were all avaricious and unscrupulous men. Southern France had attained a high degree of culture and civilisation, and men's characters varied there as elsewhere. Their birth in Poitou alone was enough to account for their unpopularity in England.

But the dividing line between parties at this period was not one of nationality. If we take those who are described by Roger of Wendover as disturbers of the peace in 1218, we shall find that some of them were aliens, but that most of them were Englishmen.[1] The objection of birth was naturally enough used for what it was worth by their opponents who were English ; but it could be used against a few persons

[1] Ed. Coxe, vol. iv. p. 34.

only. Those few had left their native lands and settled permanently in England. There is no indication that any of the Poitevin sheriffs or castellans who remained in England after the peace of Lambeth ever visited or took any part in the affairs of their native land. In any case the objection of alienage in the early days of the reign could be used with little effect by those who had invited a French prince, claiming the throne through a Spanish wife, to be their lord and king.

And there is really no reason for supposing that William, Count d'Aumale, Hugh de Bailleul, Brian de l'Isle, and Robert de Vieuxpont, whom Roger of Wendover mentions by name as disturbers of the peace, held any anarchical theory of government, feudal or otherwise, which distinguished them from the Earls of Salisbury and the young Earl Marshal, both of whom were ready to disobey executive orders which they found inconvenient. Again Ranulph, Earl of Chester, Gilbert, Earl of Gloucester, Walter de Lascy, who opposed Hubert of Burgh over the surrender of the castles in 1224, may reasonably be supposed to have acted as they thought best for the good of their country. During the early years of the reign the bitter feeling aroused by the war subsided but slowly. On March 6, 1218, the Earl Marshal wrote to the sheriff of Hampshire,[1] directing him not to permit William de St. John or anybody else in his county to harass those who had been in the king's service during the civil war, and letters to the same effect were sent to the sheriffs of Surrey, Kent, and Sussex. Even in 1222 there was a serious riot in London, in which a large body of citizens shouted in honour of Prince Lewis.[2] The riot was only suppressed by the prompt and concerted action of Hubert of Burgh and Fawkes de Bréauté. So serious was the state of affairs that 'the king was purposed to have cast down the walls of London.' This is information which comes to us from a chronicle of a much later date, but we have no reason

[1] *Patent Rolls*, printed text, p. 140.
[2] *Chronica Maiora*, vol. iii. p. 72.

for suspecting its accuracy.[1] Modern historians have spoken hardly of Ranulph, Earl of Chester. Yet he was a great man, who served John faithfully and splendidly. When the king died and his partisans met to consider the situation, the Earl Marshal, whose integrity has never been impeached, suggested that Ranulph should be the regent, and Ranulph declined the honour.[2] In the spring of 1217 it was proposed that he should be appointed the Marshal's coadjutor. The Pope raised no objection to the man, but refused to allow the responsibilities of the office to be divided.[3] These are facts which point unmistakably to the high esteem in which Ranulph was held. If in 1224 he opposed Hubert of Burgh, it should be reckoned to the credit of those who joined him rather than to his own discredit. Pierre des Roches is another statesman of whom few good words have been said. Yet it was to him that Guala and the Earl Marshal committed the custody of the young king at the beginning of the reign. It was he who was appointed warden of the Tower of London when Lewis and his soldiery left England.[4] He was a warrior and ecclesiastic as well as a statesman. When he returned from Palestine in 1231 he was received with honour by the monks of his cathedral;[5] and when he died Matthew Paris, who was no friend of the Poitevins, spoke of him in terms of the highest praise.[6] Many treacherous actions have been attributed to him by the chroniclers; but if he were as unscrupulous as he has been represented, he must have possessed some great and redeeming qualities.

No chronicler has a word of praise for Fawkes de Bréauté. His treatment of the monks of St. Albans during the civil war provoked their undying resentment. His conduct during his last days in England has caused him to be looked upon as a mere lawless adventurer. Fawkes was better than this. He was a great soldier, to whose military genius Henry III. owed much. For the first seven years of the reign he was

[1] *Chronicle of London*, 1089–1483, London, 1827.
[2] *L'histoire de Guillaume le Marêchal*, line 15,536.
[3] Shirley, *Royal Letters*, i. 532.
[4] *Rot. Litt. Claus.* i. 450.
[5] *Chronica Maiora*, iii. 204.
[6] *Ibid.* iii. 489.

sheriff of six counties and warden of many castles. Yet the records of the period may be read without there being found any trace of lawless conduct on his part, or contempt of the royal authority. On the contrary, there are many indications that during the first five years of the reign he was treated with confidence by the regent, the legate, and the king's council. And as far as may be gathered from the records, it was not until the close of Pandulph's legation that Fawkes de Bréauté and Hubert of Burgh ceased to work in harmony.

It will be well to consider each incident of the period dispassionately, and to realise not only the great difficulties of the government, but also the fact that some of those who have been so warmly censured by the monastic chroniclers may have had, if not justification, at least excuse or provocation for their conduct. In the first place those who had fought for the king throughout the war would naturally be unwilling to surrender their castles into the hands of any but safe custodians. In the second place they would naturally object to being deprived of their castles without good cause. It is easy to allege misconduct, but we must look to the records in each case to see if there is any substantial evidence in support of the charge. If some castellans who were high in the favour of the majority of the king's council, on being ordered to surrender their castles were still allowed to retain them, others who had been similarly ordered would expect the same licence. We shall see presently that the young Earl Marshal was allowed to retain Fotheringay for a long time in spite of repeated orders for its surrender.[1] Thirdly, the surrender of a castle necessitated an account being taken between the king and the custodian. After a long and hard-fought war there are likely to have been many *bona fide* matters of contention about expenditure. If an order were not supported by the whole weight of the king's council we need not be surprised to find that some wardens were from time to time disposed to retain their castles until their wrongs had been righted.

[1] *Infra*, p. 244.

So much for the royal castles. There were also private castles which gave rise to trouble. A private castle was part of a barony, and in time of peace a right to it would be enforced by an action in the king's court. Normally they were not the subject of administrative orders. During the war vast lordships belonging to the rebel barons had been taken into the king's hands as forfeited, and had been granted by him to those who had rendered him military services. The peace of Lambeth had provided that all the lands which had been seized by the king since the beginning of the war should be restored to their owners. Thus men found themselves deprived by the peace of the rewards of their loyalty, and we may expect that they made every possible excuse for retaining what they had received. The political situation was remarkable. By common consent the royal castles with their garrisons remained during the king's minority under the control of the wardens whom John had appointed : that is to say, the armed forces of the Crown, or at least the chief part of them, were not under the immediate control of the king, the regent or the council. There is no reason for thinking that the castellans as a body wilfully impeded the work of government ; but their position was anomalous, and it was probably for the advantage of the country that the king's minority should determine, for some purposes at least, as early as possible.

It is only too true that from our records and chronicles we cannot learn much that is definite of the state of parties. To all appearance during the first years of the reign those who had fought for John in the civil war worked well together ; but they were already jealous of the young Earl Marshal and the Earl of Salisbury. When Pandulph's legation ended in the summer of 1221 the power of Hubert of Burgh grew, and he became the king's chief—perhaps his sole—counsellor. The two earls and William Briwere were Hubert's chief supporters. For a time, too, the barons, who had fought against John, were his partisans ; but the undoubted hostility of the Londoners suggests that he received

no ardent support from the baronial party. Hubert's personal government was merely an incident in a long chapter in English history. The war which ended at Evesham in 1265 was virtually a revival of the one between John and his barons half a century earlier. During the interval we see the same two parties struggling for political power. If we of modern times are inclined to sympathise with the barons because they fought against the arbitrary rule of the king, we must remember that they would have governed England by a baronial oligarchy. They claimed to be the hereditary counsellors of the king, who was to grant no office without their consent. And we must remember that their numbers were still limited. The idea of creating new baronies had not as yet been conceived. To men living in the days of John it would have sounded as strange as the establishment of new episcopal sees. The royalists on their side contended for the king's right to choose his ministers without the consent of the baronage. It was the unwise exercise of this right which led to the royalist disaster at Lewes. By its more tactful exercise and not by its abandonment Edward I. was able to rule in peace and prosperity. The growth of Parliament restrained and ultimately prevented the abuse of the royal prerogative; but then the great danger of a baronial oligarchy had already passed away. The power of the barons, weakened in the field of battle, was really broken when the kings of England began to summon new barons to their councils. Thenceforth the baronage of England owed its power to the king's writs of summons, and not to ancestral possessions. It became a part of the legislature, and ceased to claim a share in the executive government. However unwisely Henry III. may have ruled, we owe it to him and his ministers that they upheld the power of the Crown at a time when it was well for the future of England that the king should be supreme head of the State.

III. *The Castles of Whorlton and Mitford.*

The fullest account of the difficulty which the king experienced in obtaining the surrender of certain castles in the early part of his reign is that given by Roger of Wendover.[1] He begins by stating that the king spent Christmas 1217 with Fawkes de Bréauté at Northampton, which is undoubtedly the fact. Then he goes on to say that in those days there were many men in England who had found living on rapine during the late war most agreeable. Now that peace had been proclaimed and granted to all they could not refrain from plunder. Their chief instigators were William, Count d'Aumale, Fawkes de Bréauté with his castellans, Robert de Vieuxpont, Brian de l'Isle, Hugh de Bailleul, Philip Mark and Robert de Gaugy. These men, he continues, with many others presumed to detain the castles of some of the bishops and magnates against the king's prohibition and the will of their owners. This account has all the appearance of having been written some years afterwards, and is in some respects not quite accurate. The number of royal prohibitions against detaining castles is small, and the list of persons to whom they are directed differs from that given by the chronicler. It will be convenient to consider the cases of Robert de Gaugy and the Count d'Aumale after those of the other castellans mentioned by Roger of Wendover.

There is no evidence that Fawkes de Bréauté detained any castles against the king's order until some years later; and the numerous letters addressed to him during the early years of the reign render it exceedingly improbable that the king's council then wished to deprive him of any position of trust or authority. Philip Mark was warden of the king's castle of Nottingham, and during the reign of Henry III. never held a castle belonging to a bishop or a magnate. He was one of the few sheriffs who were permitted to retain their castles and bailiwicks at the general surrender of December 1223. In mentioning Fawkes de Bréauté and Philip Mark,

[1] Ed. Coxe, vol. iv. p. 34.

Roger of Wendover shows that he had in mind the events of the years 1224 and 1225 when he was writing of 1218. On September 23, 1217, Robert de Vieuxpont was ordered to deliver the castle of Tickhill to the son of the Count d'Eu, to whom it belonged, in order to secure the count's loyalty.[1] He delivered it in due course, and also the castle of Carlisle to Walter Mauclerc, pursuant to the king's order dated February 13, 1222.[2] Brian de l'Isle, however, was four times ordered to deliver the king's castle of Peak to William de Ferrières, Earl of Derby.[3] He seems to have refused to deliver it except pursuant to a verbal order from the king, a requirement which was made by some other castellans at this period. This was long before the civil war was over. In actual warfare, more especially in civil war, the retention of a castle in spite of a royal order need not imply lawlessness. The custodian must often have had information of which the king knew nothing, and in many cases the actual delivery must for military reasons have been dangerous. Brian's refusals were evidently not considered to have been contemptuous, for on May 23, 1217, he was appointed warden of Knaresborough Castle, to hold, together with the town, until the king was fourteen years of age.[4] Perhaps the castle was given to him in consideration of his having surrendered Peak on the preceding Christmas eve. On November 1, 1221, eleven months before the king had completed his fourteenth year, Brian was granted the castle of Knaresborough, together with the town, at a rent of 50*l.* a year, to hold during the king's pleasure.[5] In 1218 he went on a crusade with the Earls of Chester and Derby, leaving Robert de Loup in charge of Knaresborough Castle in his absence. Brian returned about August 1, 1220, with the Earl of Chester.[6]

Hugh de Bailleul's case was serious. He was directed on November 3, 1217, to deliver the castle of Prudhoe in Northumberland to Richard de Umfraville, and he appears to have

[1] *Patent Rolls*, p. 95. [2] *Ibid.* p. 326. [3] *Ibid.* pp. 1, 4, 7, 15.
[4] *Ibid.* p. 64. [5] *Ibid.* p. 315.
[6] *Annales Monastici* (Dunstable), iii. pp. 54, 60; *Patent Rolls*, p. 190.

obeyed this order in due course.[1] On the other hand, no fewer than four orders were needed to secure the delivery of the wardship of the barony of Mesnill to the Archbishop of Canterbury, who was alleged to be entitled to it as lord of the fee during the minority of the heir of Robert de Mesnill.[2] The king ended by taking possession of Hugh's manor of Hitchin in March 1219 to enforce the delivery. It is possible that Hugh claimed the wardship as of right, and, if so, the question ought to have been determined in the king's court at common law, and not by an administrative order. The castle of Whorlton in North-West Yorkshire formed part of this barony.

Though not mentioned by Roger of Wendover we know that the Earl of Salisbury refused to obey the king's orders for restitution of property. On July 22, 1217, the king ordered the Earl of Salisbury, then sheriff of Wiltshire, to cause Hugh de Bailleul to have full seisin of the manor of Mere.[3] On November 3 in the same year he directed the earl not to intermeddle with the manor which belonged to the castle of Devizes, and ordered John Marshall, the constable of the castle, to give Hugh full seisin.[4] The earl ignored the order, and on September 21, 1219, the king ordered him to give Hugh seisin to support himself in the royal service until the king's fourteenth birthday.[5] At the end of October the king sent another order, this time directing him to let Hugh have seisin during the royal pleasure.[6] Hugh then took steps to secure what he believed to be his right. He had lent some knights to garrison the castle of Mitford in Northumberland, held by Philip of Ulecote, then sheriff of the county, by the grant of the late king, but belonging to Roger Bertram, who had fought for the barons. Hugh prohibited Philip from delivering the castle to Roger until justice had been done to him with respect to the manor of Mere; and at the same time he threatened to leave the

[1] *Patent Rolls*, p. 119.
[2] *Rot. Litt. Claus.* i. 339, 346, 361 *b*, 389.
[3] *Ibid.* p. 314 *b*.
[4] *Ibid.* p. 340.
[5] *Ibid.* p. 400 *b*.
[6] *Ibid.* p. 407.

king's service and do Philip all the injury he could if he failed to oblige him in this matter. This is Philip of Ulecote's story, as recited in some letters patent addressed to him on February 6, 1220.[1] It is probably correct; it must be noticed, however, that he had been ordered several times to surrender the castle.[2] His case was evidently considered a very serious one, and was the subject of much deliberation. On April 27, 1219, he was ordered to come to Reading on June 7 to do the king's precept concerning the castle.[3] Letters of safe conduct were given to him to last until June 24, and when he came to Reading not only was he ordered verbally by the king to deliver the castle, but Hubert of Burgh and Pierre des Roches promised to make good his expenditure in its support. Hugh de Bailleul never held office again, but Philip of Ulecote was appointed warden of Poitou and Gascony on September 16, 1220.[4] Although Philip formally excused himself on the ground of coercion by Hugh de Bailleul, it is possible that he also held that Roger Bertram was not to be trusted as a warden, for when the castle of Mitford was at last delivered to him he was compelled to give his son William as a hostage for his faithful conduct.[5]

IV. *The Castle of Newark.*

The first serious trouble arose over the bishop of Lincoln's castle of Newark. Hugh of Wells, who had acted as deputy of the chancellor, had been elected bishop, no doubt at the king's request, in the year 1209. Disregarding the king's orders he had been consecrated at Melun on December 25,

[1] *Patent Rolls*, p. 225.

[2] Orders for its delivery were given on November 7, 1217, March 30, 1218, April 27, 1219, February 6, 1220 (*Patent Rolls*, pp. 122, 146, 192, 225). Roger Bertram gave 100*l.* in November, 1217, for having seisin of his castle (*Rot. Litt. Claus.* i. 342).

[3] *Ibid.* p. 191.

[4] *Ibid.* p. 249. Hugh of Bolebec had in the meantime been appointed sheriff of Northumberland by letters patent of June 18, 1220 (*ibid.* p. 236). Hugh never accounted, and a new sheriff was appointed on January 14, 1221 (*ibid.* p. 278).

[5] *Ibid.* p. 246.

1209, by Stephen of Langton, who was then in exile. The king thereupon took the temporalities of the see into his own hands. On May 13, 1213, John submitted to the Pope, and in the following month Hugh and the other exiled bishops returned to England. He was at once admitted to the royal favour. On July 24, 1213, a few days after his arrival, the king granted him 300 bucks and does to stock his park at Stowe, which had been wasted during the interdict.[1] When the civil war broke out the bishop was among the king's supporters, and proved his loyalty by allowing him to hold the castles of Sleaford and Newark, which belonged to his see, for the defence of the realm. It would seem that the king put them in the custody of the sheriffs of Lincoln and Nottingham, for it was to them that his subsequent orders for their delivery were addressed. In the autumn of 1215, the bishop of Lincoln went to Rome to attend the Lateran Council,[2] leaving his brother Joscelin of Wells, Bishop of Bath and Wells, as chief warden of his bishopric.[3] Towards the end of his reign John was anxious to restore the castles to the bishop. On June 14, 1216, he ordered Philip Mark, the sheriff of Nottingham, to deliver Newark Castle to the bishop's steward,[4] and on July 17 he wrote to the steward directing him to receive the castle from Philip, after giving security that no harm would happen thereby to the king or his realm. John also gave notice by this last letter that if the steward were unwilling to receive the castle, he would not be responsible for any loss by reason of the refusal.[5] The steward refused, and on August 17 the king sent letters patent to Philip Mark directing him to deliver Newark Castle to Robert de Gaugy to hold during the king's pleasure upon Robert taking an oath that in the event of the king's death he would deliver it to nobody except the bishop of Lincoln.[6] On August 29 Philip was again ordered to deliver the castle to Robert, and he was informed at the same time that, whatever

[1] *Rot. Litt. Claus.* i. 138 *b*. See also *ibid.* 122 *b*, 217.
[2] *Ibid.* i. 310. [3] *Ibid.* i. 291 *b*. [4] *Rot. Litt. Pat.* 187.
[5] *Rot. Litt. Claus.* i. 291 *b*. [6] *Rot. Litt. Pat.* 193 *b*.

order the king had previously given about its demolition, he was not to raze it or permit it to be razed.[1] He also wrote to Robert de Gaugy to say that if he had received the castle he was not to raze it but to guard it well.[2] Philip Mark failed to deliver the castle in pursuance of these orders; and it was necessary for the king to send a third order to him on September 1. His letters patent contain these words: 'Hiis intersignis quod uobis mandauimus ut castrum predictum funditus subuerteretis uel illud senescallo domini Lincolniensis episcopi committeretis. Aliis eciam intersignis quod honorosum uobis erat sicut nobis mandastis predictum castrum custodire.'[3] Evidently Philip had feared that the castle would fall into the hands of the enemy and had recommended that it should be razed. In these circumstances it is not surprising that the bishop's steward declined to receive the castle. The clause which is printed above was inserted in the letters patent to show Philip Mark that they were genuine. They enable us to see what was happening, and give an illustration of the king's ignoring the advice of one of his chief military leaders. In this case John seems to have acted with wisdom, for the castle was safely held throughout the war. The oath which Robert de Gaugy was made to swear deserves special notice. It is not unlikely that other custodians of castles on first receiving them to guard, were bound to swear that they would not deliver them to any person but the king or his heirs or their lawful owners.

Leaving Newark for the moment, we may now turn to Sleaford. On August 28 the king sent letters close to Philip Mark ordering him to receive the castle of Sleaford, but if by chance he was unable or unwilling to receive it, he was to order Robert de Gaugy to take it and hold it in his custody.[4] On the same day he sent letters patent to Ralph Riddel, then sheriff of Lincoln, ordering him to deliver the castle to the person whom Philip Mark should send for that purpose, but if Philip sent nobody, then the sheriff was to deliver it to

[1] *Rot. Litt. Claus.* i. 284 *b.*
[2] *Ibid.* i. 284.
[3] *Rot. Litt. Pat.* 195 *b.*
[4] *Rot. Litt. Claus.* i. 284.

Robert de Gaugy to hold for the king.[1] These orders were given when John was at Bath, one of the episcopal cities of Joscelin of Wells, the brother of Hugh, bishop of Lincoln, and, as already stated, one of the chief guardians of that bishopric during Hugh's absence. We may therefore suspect that the arrangements for delivering the castles to Robert were made with the approval of the bishop of Lincoln or his representative in England. The orders also suggest that John thought highly of Robert's military capacity. He first directed Philip Mark, a soldier of eminence, to deliver to Robert, Newark Castle, which Philip was unable to hold himself, then he directed him either to receive Sleaford Castle, or to deliver it to Robert to hold with Newark. Seeing that Philip had advised that the latter castle should be razed it is not surprising that he required more than one order before he delivered it to Robert or that relations between Philip and Robert were soon afterwards strained. On October 1 the king wrote to Richard de Gaugy, presumably a constable under Robert de Gaugy, and ordered him to release two sergeants of Philip Mark whom Robert de Gaugy had taken and was holding in custody.[2] Such an order points to a want of harmony among the leaders of the royalist party. The chancery rolls contain no orders for the delivery of the bishop of Lincoln's castle of Banbury. Probably it was considered to be in no danger of falling into the hands of the king's enemies. It was at a considerable distance from Newark and Sleaford, and Oxfordshire was a part of England where the royalist power was strong.

Robert de Gaugy[3] was a soldier of fortune whose parentage has not yet been ascertained. There was a Ralph de Gaugy, who was lord of the barony of Ellingham in Northumberland towards the close of the twelfth century.[4] There was also a Roger de Gaugy, a Flemish knight, who

[1] *Rot. Litt. Pat.* 195. [2] *Rot. Litt. Claus.* i. 290.

[3] If, as is likely, he were of Flemish descent, he took his name from a small town a dozen kilometres S.W. of Arras, or from another small town at the same distance, W.S.W. of Béthune. [4] Testa de Neville, 382 *b*.

had been in the service of the young king Henry, John's elder brother.[1] To these men Robert is likely to have been nearly related. Sampson de Gaugy[2] and William de Gaugy,[3] who are mentioned on the chancery rolls of the reign of John, were undoubtedly his brothers. To Roger de Gaugy, perhaps Robert's brother, but probably his uncle, a safe-conduct was granted on July 29, 1203, when the king was at Montfort during the war in Normandy,[4] and in the autumn following Roger was appointed warden of the castle and forest of Argentem.[5] A year later the king ordered the constable of Wallingford to release Robert's brother, whose name is not mentioned, but who was then detained as a hostage, on condition that both brothers abjured the king's lands.[6] We may conjecture that Robert had fought against John, had been taken prisoner, and had then given hostages for his loyalty. Now that Normandy was almost lost, his loyalty may have been reckoned as of little account. Notwithstanding the order, Robert and his kinsmen remained in England in the king's service. He evidently satisfied his master, as some time before June 1213 he had received a royal ward in marriage. She was the grand-daughter and heiress of Robert Lovel, who held property of the see of Durham, then or lately in the king's hands.[7] John also granted to him the manor of Garthorpe in the county of Leicester,[8] and there Robert found or erected a castle which was to be demolished a few years later.[9] He may have received other marks of the king's favour, but we only know of a grant of an annuity of five marks issuing from the manor of Coston adjoining Garthorpe.[10] As he witnessed no royal charters, we may infer that he was a soldier who took no part in politics or the

[1] *Histoire de Guillaume le Marechal*, iii. 43, 56, 77.

[2] *Rot. Litt. Pat.* 190.

[3] *Rot. Litt. Claus.* 397.

[4] *Rot. Litt. Pat.* 33.

[5] *Rotuli Normanniae*, p. 105.

[6] *Rot. Litt. Pat.* 43 *b*. The unnamed prisoner was probably the nephew of the warden of Argentem (*Rot. de Liberate regnante Iohanne*, 69).

[7] *Rot. Litt. Claus.* i. 136, 198 *b*.

[8] *Ibid.* i. 389 *b*. It would seem that he received this manor in August, 1204 (*ibid.* i. 6 *b*).

[9] *Ibid.* i. 380.

[10] *Ibid.* i. 397 *b*.

affairs of the court. On June 23, 1213, the king described him as *dilectus et fidelis noster*.[1] In 1215 he entrusted him with one of the hostages of Llewelyn, Prince of North Wales, which affords strong testimony of John's confidence in him.[2] Then letters patent, dated July 8, 1216, show that Robert and his brother Sampson held some unnamed castles for the king and his forces.[3] Soon afterwards he received Sleaford and Newark Castles as already related; and it was at Sleaford that John rested on his last journey to Newark, where he died, having first appointed Robert an executor of his will.[4] Robert de Gaugy was undoubtedly a man who by some virtues of his own had attained a great position in England.

In the spring of 1217 the bishop of Lincoln returned to England, and on June 10, 1217, Robert de Gaugy and William d'Aubigny were ordered to deliver to him the castles of Newark and Sleaford respectively.[5] Thus it appears that Robert had already transferred one of the castles, with which John had entrusted him, pursuant to some order of which we have no record. By this time the Fair of Lincoln had been fought, the eastern counties were free from danger, and there was no military reason why the bishop should not have received his castles once again. The Earl Marshal and other royalist leaders had passed through Newark on their way to Lincoln, and the expediency of restoring them to the bishop must have been considered. William d'Aubigny seems to have surrendered Sleaford Castle, for no further orders for its delivery are recorded, but Robert ignored the Marshal's order. Then the earl wrote to him on 23 June in the young king's name, expressing surprise that he had not delivered the castle to Henry de Colevile, the bishop's knight. He reminded him that the order had been given by the Common Council of the legate and the realm, that Henry had brought with him the bishop's letters patent authorising him to receive the castle,

[1] *Rot. Litt. Pat.* 100 *b*.

[2] *Ibid.* 151.

[3] *Ibid.* 190.

[4] *Foedera*, i., part i. 144.

[5] *Patent Rolls*, p. 68. According to Roger of Wendover, William d'Aubigny was appointed warden of the castle of Sleaford on his release from prison on November 25, 1216 (Ed. Coxe, vol. iv. p. 5).

and that the legate had also sent letters patent explaining that he was detaining the bishop with other of the king's counsellors on business. The castle, he continued, had been entrusted to the late king in good faith, and its detention would arouse the distrust of the magnates. Finally, he told him that if the king or the king's father were bound in money to Robert the castle was not to be detained on that account, for the king would make other provision for him by the counsel of his faithful subjects.[1] This letter suggests that Robert had raised two distinct objections to complying with the order: first, that he had sworn to deliver the castle to nobody but the bishop; secondly, that before delivery he claimed compensation for personal expenditure in its defence. This letter had no effect. On July 23 the Earl Marshal sent William d'Aubigny with letters patent to Robert, ordering him to deliver the castle to Henry de Colevile. If Robert would not do this he was to come to the earl at Oxford on August 6,[2] to hear and do what the king should order. This letter also had no effect. Then the Earl Marshal wrote a fourth time, on August 13, expressing surprise at the detention of the castle. He said that, although those who despise the judgments of the king's court are subject to heavy penalties, the king wished to treat him mildly because he had long served him and his father John. He therefore ordered him to come to the king's court at Oxford, on August 25, to do what the court should adjudge concerning the castle. The king, on his part, would so act by the counsel of his faithful subjects, that Robert would have no cause of complaint.[3] The wording of this letter reads as though the Earl Marshal were conscious that Robert really had some grievance in the matter. It contains no order for the restitution of the castle, but a summons to appear before the king and his council at Oxford, where the question of the delivery was discussed. The earl had been staying at that ever loyal city throughout the early part of the month, but before August 24 he was called away to Sandwich to prepare for the invasion of Eustace le Moin.

[1] *Patent Rolls*, 71. [2] *Ibid.* 81. [3] *Ibid.* 85.

In the following month, when the French fleet had been shattered and all Lewis's hopes wrecked, peace was made at Lambeth. Robert still retained Newark Castle, though it was now more than ever necessary that the bishop should be satisfied by the restitution of his property. Lands were being restored to those who had fought against the king, and the Earl Marshal was bound in honour to do as much for the bishop of Lincoln, who had supported the royalist cause throughout the darkest days of the Civil War.

Owing to the earl's departure for Kent the consideration of the case of Robert de Gaugy by the council at Oxford was adjourned for two months. On October 26 Robert came before the king in London and formally surrendered the castle to the bishop of Lincoln, swearing at the same time that within forty days he would remove himself and his men from the fortress, make full restitution to the bishop or his deputy, and in the meantime do no hurt or damage to the bishop, his men, lands or possessions within or without the castle. We learn this from some letters patent of November 6 addressed to the Lady Nichola de la Haye, the castellan of Lincoln informing her that if Robert acted contrary to his promise force was to be used against him.[1] Letters patent to the same effect were also sent to Philip Mark, the sheriff of Nottingham. It is difficult to believe, having regard to what happened afterwards, that Robert had really made an unconditional promise of surrender. At any rate, he remained in undisturbed possession of the castle for the forty days mentioned in the letters patent of November 6. Even then force was not immediately used to eject him.

On January 27, 1218, the Earl Marshal took a step, which again suggests that he was anxious to put himself right in the eyes of all parties. He announced on that date that the king had committed the custody of the bishopric of Lincoln to William of Dustun and William de St. Lo.[2] At the same time he ordered the constables of Sleaford, Newark and Banbury to deliver them to these persons as custodians. It would

[1] *Patent Rolls*, p. 121. [2] *Ibid.* p. 134.

seem that the bishop had temporarily assigned the possessions of his see to the king in order that the Earl Marshal, acting in the king's name, might avoid all appearance of using force in a private quarrel between the bishop and Robert.[1] Six weeks elapsed before any active steps were taken. In the meantime Robert's lands were held to be forfeited to the king. On February 15, 1218, the sheriff of Leicester was ordered to cause Hasculf Painel to have seisin of the manor of Garthorpe during the king's pleasure.[2] Then on March 14 the Earl Marshal ordered Philip Mark to go with an armed force to meet the bishop of Lincoln and other faithful subjects at the day and place appointed by the bishop, for the purpose of compelling Robert de Gaugy to surrender the castle of Newark.[3] For some reason, about which the records are silent, extreme measures were deferred; perhaps the bishop still hoped to secure his own by negotiation; perhaps Philip advised delay for military reasons. At last the Earl Marshal made preparations to conduct the siege in person. On July 4 he ordered thirty miners to journey from Gloucestershire to Stamford, where the royal forces were to meet.[4] Accompanied by the young king, he marched northward with his army, leaving the Tower of London on July 8. Passing through Standon and Waltham he reached Bassingburn on July 12. He attested no royal letters at Stamford, where he was to meet the miners, and we hear no more of him until July 20, when he was at Newark. On the following day he sent to the mayor of Lincoln for various implements of siege.[5] He remained at Newark for three more days, and then passed on to Nottingham, where he attested royal letters on July 23. From Nottingham he journeyed south by way of Leicester, Brinklaw, and Banbury to Wallingford, which he reached on July 27. He had left Newark before the castle surrendered.

[1] It should be noticed that the bishop of Lincoln paid to the Earl Marshal one hundred marks for his own use in return for his aid in recovering the castle (*Rot. Litt. Claus.* i. 602).

[2] *Rot. Litt. Claus.* i. 352 *b*. This manor had once belonged to Fulk Painel. *Ibid.* 6, 7 *b*.

[3] *Ibid.* i. 378. [4] *Ibid.* i. 365. [5] *Ibid.* i. 365 *b*.

An entry on the roll of letters close shows that some of the bishop's houses were burnt,[1] but beyond this the records tell us nothing of the siege. Fortunately, Roger of Wendover gives a few particulars.[2] He tells us that the siege lasted nearly eight days, during which one of the knights of the bishop was slain and several others were wounded. Meanwhile, with the king's consent, the bishop and the friends of Robert discussed peace with so much success that it was agreed between them that the bishop should give to Robert one hundred pounds sterling for the victuals in the castle. After this all returned home. From Wallingford the Earl Marshal wrote to Guala on July 27 announcing that he had received the castle of Newark from Robert de Gaugy at Wallingford, and had thereupon delivered it to Pierre des Roches pending instructions from Guala.[3] On the same day he wrote to Pierre ordering him to deliver the castle to whomsoever Guala should direct.[4] As no more is heard of the castle, it may be assumed that it was now at last delivered to the bishop of Lincoln, its lawful owner.

According to the annals of Dunstable, Robert had not only refused to restore the castle to the bishop, but had wrought destruction in its neighbourhood.[5] As Roger of Wendover in his fuller account says nothing of this, we may suspect that the destruction here attributed to Robert is exaggerated.[6] The annalist of Dunstable is more probably correct in saying that Robert was struck by lightning and killed at St. Neots in the same year.

On March 13, 1219, the king granted to William de Gaugy the land in Garthorpe which John had granted to his brother Robert;[7] and on July 22 of the same year he gave William the five marks issuing from the manor of Coston, which Robert had received in the reign of John.[8] Lawless

[1] *Rot. Litt. Claus.* i. 366 *b*.
[2] Ed. Coxe, vol. iv. p. 94.
[3] *Pat. Rolls*, 164.
[4] *Ibid.*
[5] *Annales Monastici*, iii. 54.
[6] Ed. Coxe, vol. iv. p. 34.
[7] *Rot. Litt. Claus.* i. 389 *b*.
[8] *Ibid.* i. 397. Some idea of Robert de Gaugy's age may be formed from the fact that William his brother and heir lived till 48 Hen. III. William's heir was his sister's son, Richard Laundry. *Calendar of Inquisitions, Hen. III.* Nos. 576, 596.

as Robert's conduct undoubtedly was, we can scarcely doubt that he claimed that some injustice was done him by the order for the prompt and unconditional surrender of the castle.

V. *The Castles of Sauvey and Rockingham.*

William, Count d'Aumale, was the son and heir of William de Fors a Poitevin who accompanied Richard on his crusade, and died in 1195. His mother, Hawisa, was the widow of William de Mandeville, Earl of Essex.[1] Soon after the death of her second husband she married Baldwin de Béthune, who died not long before October 16, 1212.[2] She survived her third husband for a year or two, but the date of her death is not known.[3] Having lost his father in early infancy, the young William was brought up under his mother's influence, an English lady of noble birth, who inherited the county of Aumale from her father. His sympathies are therefore likely to have been with the fellow-countrymen of his mother rather than with those of his Poitevin father. He was probably still an infant when his stepfather Baldwin died, for it was not until November 2, 1214,[4] that the king ordered the knights and free tenants of the lands of the count to be intendent to the younger William in all that belonged to the county of Aumale and to do him homage. Notwithstanding this order it seems that William was not yet given possession of his lands; perhaps it was that the king wished homage to be done to the young count in his mother's lifetime, to whom the inheritance belonged. In October 1214, however, his mother being still alive, the king rendered him by charter[5] all the lands which fell to him hereditarily from his mother, on condition that he should have no profits from them until he had married Aveline, the daughter of Richard de Munfichet;

[1] G. E. Cokayne, *Complete Peerage*, i. 55, 56.

[2] *Rot. Litt. Claus.* i. 125.

[3] She was alive on March 24, 1215, *ibid.* i. 191 *b*.

[4] *Rot. Litt. Pat.* 122 *b*. Two days later he is called 'comes' (*Rot. Litt. Claus.* i. 175 *b*).

[5] *Rotuli Chartarum*, 201 *b*.

when he had married that lady he was to receive all his lands fully. The property which Baldwin the earl had given with his daughter in marriage to William, the son of the Earl Marshal, was expressly excepted from the grant. The king also released the count from payment of the residue of the five thousand marks by which his mother, the Countess Hawisa, had made fine for having her land, and from payment of the relief which he now owed for having his own inheritance. The king restored to him all oxen, cows and sheep, which the royal bailiffs had taken after the count's lands had come into his hands; and he caused forty marks of rent to be assigned to him in marriage with Aveline.[1] It was evidently a marriage which the king much desired; and it is likely that when it took place the young count stood high in the royal favour.

William was one of the twenty-five barons appointed to secure the observance of the provisions of Magna Carta. Soon afterwards he joined the royalist party. On October 8, 1215, the king informed Hubert of Burgh that he had granted to his trusty and well-beloved William, Count d'Aumale, the manors of Kemsing, Braybourne, and Sutton, which had belonged to William, the son of the Earl Marshal and husband of the count's stepsister.[2] Perhaps this grant was the first cause of the long and bitter enmity between the two men.

The count having accompanied the king on his great march to Scotland was rewarded by a grant of all the lands of Robert de Ros in the counties of Northampton, Nottingham, Lincoln, and York, the letters close being dated January 28, when the king was at Newcastle.[3] Two months later he received a further grant of all the lands of the king's enemies

[1] The king seems to have had a special regard for the countess. On June 15, 1216, the warden of the castle of Devizes was ordered to receive her and her boys, and to make for them a suitable chamber (*Rot. Litt. Pat.* 187 *b*). Matthew Pari describes her as 'mulier admirabilis pulchritudinis' (*Chronica Maiora*, iii. 624). We may suspect a scandal. Henry III. was in this castle when his father died (*l'Histoire de Guillaume le Maréchal*, iii. 213).

[2] *Rot. Litt. Claus.* i. 230 *b*. These manors were afterwards given to Fawkes de Bréauté (*Rot. Litt. Pat.* 199 *b*).

[3] *Rot. Litt. Claus.* i. 246 *b*.

who held of his own honours of Cockermouth and Allerdale.[1] In the last days of John, William was reckoned, in spite of his youth, as one of the royalist leaders, but as yet he had not been given the custody of a castle. Roger of Wendover, it is true, asserts that John had appointed him warden of the castles of Rockingham, Sauvey, and Bitham, but the testimony of the records points to the inaccuracy of the chronicler.[2]

On the death of John the count remained faithful to the young king. Perhaps the Earl Marshal had some doubts about his loyalty, for he made him give his eldest son William as a hostage for his faithful service.[3] This done he granted him on December 17, 1216, the custody of the castles of Sauvey and Rockingham during the royal pleasure.[4] The letters patent addressed to Geoffrey de Serlant for the delivery of Sauvey Castle are noteworthy for a clause which said that if by chance Geoffrey were unwilling to deliver the castle to him in pursuance of the order, he was to come to the Earl Marshal in person or to send some trustworthy knight to hear what the earl should order in the matter. Geoffrey had been constable of the castle since January 1216, and afterwards held other important military offices.[5] The Marshal evidently thought it prudent to give him a voice in the appointment of his successor. No such clause appears in the letters patent of the same date sent to Fawkes de Bréauté for the delivery of Rockingham. Fawkes had probably been consulted before the order for its delivery had been given. Both castles were delivered to the Count d'Aumale in due course.

The castles which now came into the custody of the Count d'Aumale were of a different order from those which

[1] *Rot. Litt. Claus.* 255 *b.*

[2] Ed. Coxe, iii. 353.

[3] Too much stress should not be laid on this. The Earl Marshal had himself given hostages to John in 1214 (*Rot. Litt. Pat.* 123).

[4] *Patent Rolls*, 13.

[5] He is first described as constable of Sauvey in letters close of January 26, 1216 (*Rot. Litt. Claus.* i. 245 *b*); and was still so described in other letters of April 6, 1216 (*ibid.* i. 259); notwithstanding the fact that he was directed to deliver the castle to William Aindre on February 26, 1216 (*Rot. Litt. Pat.* 167), Geoffrey was probably the underwarden only.

John had entrusted to Robert de Gaugy. Newark and Sleaford were the private property of the bishop of Lincoln, which in time of peace might have been the subject of an action in the king's courts. It was only by the wish of the bishop that they had passed into the king's hands for the defence of the realm. Sauvey and Rockingham on the other hand were royal castles held in conjunction with great forests. The warden of Sauvey held the royal forests in the counties of Leicester and Rutland, and within their boundaries was responsible for the administration of the forest laws. To Rockingham Castle pertained the vast forest which lay between the bridges of Oxford and Stamford, in the four counties of Northampton, Huntingdon, Buckingham and Oxford.[1] Thus the power of its warden was extensive both in territory and jurisdiction. Politically, the detention of the king's castles of Sauvey and Rockingham was more serious than the detention of Newark Castle by Robert de Gaugy.

The first order which was given to the count for the delivery of the castles was dated February 11, 1218. The letters patent are instructive as showing that they had not been placed in his custody for military reasons.[2] The Earl Marshal reminds him that they were entrusted to him to shelter himself and his men while his lands were in the hands of the enemy; and that these lands had now, thanks to God, been restored to him. He therefore ordered him to deliver the castles and the other royal manors then in his hands to Fawkes de Bréauté. On the same day he sent letters close to the count forbidding him intermeddling with the county of Northampton or the royal manors, because the king wished his trusty and well-beloved Fawkes de Bréauté to guard and be answerable for them.[3] The count, nevertheless, retained the castles, and no further orders for their delivery are recorded

[1] This was certainly the case at a later date; but the count seems to have held part only of the Northamptonshire forest with the castle of Rockingham. Of this part Hugh de Neville had been appointed warden by John (*Rot. Litt. Claus.* i. 393, 423), but probably under a chief warden of the forests between the two bridges.

[2] *Patent Rolls*, 136.

[3] *Rot. Litt. Claus.* i. 352.

upon the chancery rolls for a considerable time. Possibly the trouble about Newark Castle led the Earl Marshal and the council to reconsider their order, or perhaps on receiving assurances from the count of good conduct in the future, it was decided to allow him to remain in possession for a time. It is difficult to believe that he was allowed to retain the castles in direct violation of the royal order. Probably some correspondence took place of which we have no record.

In the summer of 1219 arrangements had been made for holding a tournament at Northampton on July 1. At this time tournaments were thought likely to cause breaches of the peace, and had been expressly prohibited by the Pope. Accordingly Hubert of Burgh, the chief justice, proclaimed by letters patent,[1] dated June 26, which were addressed in the king's name to the knights who were about to assemble at Northampton, that they should not presume to go there. He warned them that if they went they would be excommunicated, and that the king would see that their presumption was not left unpunished. It would seem that no tournament was held on the appointed day at Northampton, but another was held instead at Brackley later in the year. The count was present, and was probably its organiser. For this offence he and his followers were excommunicated by Pandulph. The tournament at Northampton was not the first which had been prohibited in the reign. There was to have been one at Blyth, in the county of Nottingham, on October 9, 1217. The Earl Marshal would not allow it to be held there or elsewhere, because he feared a breach of the peace.[2] Again William, the Earl of Salisbury, and other nobles had intended to hold one at Northampton on August 8, 1218. This time the Earl Marshal directed that it should be postponed until peace should be more firmly established in England.[3] It is not improbable that the tournament which was prohibited in July 1219 was the same as that postponed

[1] *Patent Rolls*, 194.

[2] *Ibid.* 116.

[3] *Ibid.* 174. A tournament which was to have been held at Staines on July 24, 1219, was also prohibited, *ibid.* 198.

by the Earl Marshal in August 1218. In that case some political significance may be seen in its total prohibition by Pandulph and Hubert of Burgh, for William, the Earl of Salisbury, was the friend and political associate of William, the son of the Earl Marshal, who was at enmity with the Count d'Aumale. A tournament in which the leaders on each side were enemies would have been more than likely to lead to a breach of the peace.

In November 1219 matters approached a crisis. On the last day of that month the king wrote to the sheriffs of the counties where the count held lands or bailiwicks, informing them that the count was not only detaining certain lands and castles which had been entrusted to him in good faith, but was also fortifying and storing them with corn and goods taken from his neighbours against their will; and that he had been excommunicated for taking part in the tournament at Brackley. He ordered the sheriffs to proclaim that the count and his followers had been excommunicated, and refused to obey the legate's orders; to forbid anyone lending them aid or counsel until they had made satisfaction to Holy Church for his disobedience, and to the king for his contempt; or aiding or counselling him in storing or fortifying the castles of Rockingham or Sauvey.[1] Unless the count desisted from his misconduct they were to be ready to carry out the king's orders thereon. The count appears to have made peace with the legate, probably by promising to go on a crusade; but he still retained the castles. He was, however, still so far recognised as the warden of a royal forest that, on April 25, he was ordered to send forty deer to Westminster for the feast of the king's second coronation, which took place on May 17.[2]

From the annals of Dunstable we learn that on the morrow of the coronation the barons who were present swore that they would resign their castles and wardships at the king's will, and would faithfully render accounts of their farms at the exchequer; and that if any baron should

[1] *Patent Rolls*, 257; *Rot. Litt. Claus.* i. 434. [2] *Ibid.* i. 416 *b*.

rebelliously refuse, and should not within forty days of being excommunicated by the legate satisfy the king, they would at the royal command make war upon him, so that he should be disinherited as a rebel without the privilege of making fine.[1] This statement finds strong confirmation in a letter written a week before the coronation by Pandulph to Ralph de Neville, the vice-chancellor, in which he directs him to send the form of the peace, and the form by which Guala granted castles in custody.[2] In all probability the chief object of these proceedings was to obtain the castles of Rockingham and Sauvey from the Count d'Aumale.

A few days after the coronation the king went to York to meet Alexander, the King of Scotland, and enter into a treaty for Alexander's marriage with his sister Joan, John's eldest daughter, who was then in France with Isabel, the queen-dowager. On his journey north the king stopped at Nottingham with Philip Mark, who then had charge of John's second daughter, Isabel. This visit to Philip and Isabel was of importance, as it was arranged at York that if Joan, owing to her absence in France, could not be given in marriage to Alexander on September 29, 1220, then a fortnight later Henry would give him his sister Isabel in her stead. The Count d'Aumale was one of the English magnates who were with the king, Pandulph, and Hubert at York on this great occasion. He joined with several others in swearing that they would secure observance of the treaty and in giving his charter to that effect to the King of Scotland.[3] Eight days after the royal meeting at York the king, accompanied by Hubert of Burgh and Pierre des Roches, began his return journey. They passed through Pontefract, Nottingham, Leicester, and Northampton, which they reached on June 25. From Northampton they turned north again, and arrived at Rockingham on the following day.[4] Here they sent messengers to the Count d'Aumale, directing him

[1] *Annales Monastici*, iii. 57. [2] Shirley, *Royal Letters*, i. 117.
[3] *Patent Rolls*, 235; *Fœdera*, i. part i. p. 160.
[4] These facts are taken from the attestations of letters patent and close.

to surrender the castles of Rockingham and Sauvey.[1] The next day a safe-conduct was given to the count to come to the king with four knights.[2] In the meantime Fawkes de Bréauté had been ordered to prepare for the siege of Rockingham.[3] Possibly it was to consult with him that the king and Hubert went to Northampton after leaving Leicester, instead of marching direct to Rockingham. Fawkes evidently complied with the royal order, for the sum of 100*l.* was afterwards allowed him for his expenses.[3] Fortunately no fighting was required; for when the count arrived he surrendered both castles into the king's hands. On June 29 Hubert issued letters patent in the king's name announcing that the Count d'Aumale had restored to him his castles *grata et spontanea uoluntate*.[4] Apparently Rockingham Castle remained for a time in the custody of Fawkes de Bréauté as sheriff of the county. The castle of Sauvey and the forests of Leicester and Rutland had been before the war in the custody of Hasculph of Allexton as hereditary warden. The king now restored to him the wardenship of the forest, but appointed Stephen of Seagrave, who was deputy-constable of the Tower of London under Hubert of Burgh, warden of the castle of Sauvey, to hold office during the king's pleasure.[5]

The Count d'Aumale was treated with the greatest possible consideration on surrendering the castles. He was released from the payment of all farm then due for the demesne manors which he held with the castles, and from payment of the issues of the forest (for which he was legally bound to account) from the day he received them till the day of the surrender. The king covenanted that he would do all he could with the monks—apparently those of Holme Cultram in Cumberland—who were complaining of the wrongs which the count had done them; and the king also covenanted that he would induce the legate not to compel him to execute his vow to go on a crusade immediately.[6]

[1] *Patent Rolls*, 238. [2] *Ibid.* 239. [3] *Rot. Litt. Claus.* i. 439 *b*.
[4] *Patent Rolls*, 240. [5] *Ibid.* 239. [6] *Ibid.* 240; *Rot. Litt. Claus.* i. 496.

Such consideration as this suggests that the count had some well-founded grievance, of which no notice appears upon the records. The brief account which Roger of Wendover gives of these events also suggests that the count had been misrepresented by the letters patent of November 1219, which recited that he was fortifying the castles and storing them with corn. According to Roger, when the king came to attack the castles he found them destitute of every sort of provision, so that not three loaves were found in them.[1]

The privilege of not accounting for his farm and other favours were granted to the count by letters patent on the very day of the surrender of the castles, at the instance of Hubert of Burgh and Pierre des Roches, without consultation with the council, and in the absence of Pandulph.

Two papal letters of this year show that the surrender of the king's castles was already a thorny question in the Council. On May 26, 1220, the Pope wrote to Pandulph complaining that the king, who was a crusader, a pupil, and an orphan, was suffering from extreme poverty, and directing him to compel all bishops and prelates who were retaining royal castles and demesnes to surrender them at once.[2] It can scarcely be doubted that this letter was aimed at Pierre des Roches. No other bishop at this time had a royal castle in his custody. Pierre, as sheriff of Hampshire, was warden of the castles of Winchester and Southampton; and, independently of his shrievalty, he had the castle of Porchester in his custody. Three days after sending this letter the Pope again wrote to Pandulph directing him to allow nobody, however intimate with the king, to have the custody of more than two of the king's castles.[3] This second letter, also, was almost certainly aimed at Pierre des Roches; but as it was not confined to the bishops and clergy, it applied equally to Hubert of Burgh, who held the castles of Dover, Rochester,

[1] Ed. Coxe, vol. iv. 36.

[2] Shirley, *Royal Letters*, i. 535; Potthast, *Regesta*, No. 26,057.

[3] Shirley, *Royal Letters*, i. 121; *Foedera*, i. part i. p. 160; Potthast, *Regesta*, No. 6,259.

Canterbury, Norwich, and Oxford, and the Tower of London. In the circumstances it is not surprising that the letters were ineffectual. Hubert and Pierre no doubt joined in representing to the Pope, through Pandulph, that it would be dangerous to the peace of the realm to put the papal mandates into execution. We may doubt whether the letters were procured at the instigation of Hubert. We may rather see in them the work of some bishop who was unfriendly to Pierre, possibly Hugh of Wells.

VI. *The Castle of Bytham.*

The Count d'Aumale's next acts of insubordination were so closely related to William Marshal's retention of Fotheringay Castle, that the latter requires some preliminary notice. William, the son and heir of the great Earl Marshal, had been one of the executors of Magna Carta, and had fought against John and Henry III. until early in March 1217, when he surrendered, together with his friend, William, Earl of Salisbury. As the eldest son of the regent, and till then one of the chief leaders of the baronial party, he at once received conspicuous marks of honour in return for his surrender. Among other grants he received all the lands of David, Earl of Huntingdon, the brother of William the Lion, to support him during the king's pleasure.[1] The lands were at that time in the hands of various persons, of whom one was the Count d'Aumale. The grant was confirmed by letters patent of April 9,[2] and on April 10 a further grant was made to him of all the lands of the king's enemies who held of the fee of Earl David.[3] At the beginning of the year 1218, the earl made peace with the king, and on March 13 it was ordered that he should have seisin of the lands, tenements, fees, and wardships of which he had been disseised on account of the war, and also restitution of all the chattles which had in the meantime been taken from his lands.[4] The earl seems to have received all

[1] *Rot. Litt. Claus.* i. 299 *b*.
[2] *Patent Rolls*, printed text, p. 55.
[3] *Rot. Litt. Claus.* i. 305 *b*.
[4] *Rot. Litt. Claus.* i. 354 *b*.

his lands in pursuance of this order, except the castle of Fotheringay, which William Marshal retained. On June 12 in the following year the earl died at Yardley, and was buried at Sawtrey.[1] It must be supposed that his lands were then seised into the king's hands by the sheriffs. On July 22 the king wrote to the constable of Fotheringay—that is, to William Marshal or his deputy—informing him that he had committed during his pleasure the custody of the lands of Earl David to three named persons, who seem to have been knights of the King of Scotland, and ordered the constable to allow the knights to have full seisin of the manor of Fotheringay.[2] On the same day he wrote to the constable of Rockingham—that is, to the Count d'Aumale or his deputy—to the same effect with respect to the manors of Yarwell and Nassington.[3] Nothing was said in the first order about the castle of Fotheringay, and it may be that the word manor was not intended to include castle.

The earl's property consisted of the honour of Huntingdon, which he held, not of the King of England, but of the King of Scotland, who in turn held of the King of England. Accordingly, on October 29, the King of England wrote to the sheriff of Northampton, and after informing him that he had granted the custody of the honour to the King of Scotland, ordered him to cause that king to have full seisin of its custody.[4] The castle of Fotheringay nevertheless remained in the hands of William, now Earl Marshal. It would seem also that certain portions of the Earl David's property were detained on behalf of the King of England, but this was, probably, in consequence of some arrangement made between the two kings and afterwards confirmed at York in June 1220.[5] While King Henry was at that city negotiating for the marriage of his sister Joan to King Alexander, Henry wrote a letter to the Earl Marshal, which he sent by one of

[1] G. E. C., *Complete Peerage*, iv. 284.
[2] *Rot. Litt. Claus.* i. 397.
[3] *Ibid.*
[4] *Rot. Litt. Claus.* i. 406 *b*.
[5] They were the manors of Nassington, Yarwell, Alconbury, and Braunton. They were probably no part of the honour of Huntingdon, and were held directly of the King of England (*Rot. Litt. Claus.* i. 443 *b*).

Alexander's knights, ordering him to surrender the castle at once, because he wished to have love and affection between himself and that king.[1] The letter was sent at the instance of Hubert of Burgh and the council. The Earl Marshal, ignoring the order, still retained the castle. Hubert waited till September, and then wrote to him in the king's name. He told him that he must be well aware that when the king was at York discussing the marriage of his sister, oaths were taken for the observance of what was then arranged, and the king covenanted with Alexander that the castle of Fotheringay, with the lands of Earl David, should be delivered to him.[2] After reminding the Earl Marshal that the further detention of the castle could only be cruelly subversive of the king and his business, he ordered him to surrender the castle to Alexander forthwith, as the Earl Marshal must know as a fact that unless he surrendered it, the whole business of the marriage would be undone. It would, of course, have been to Hubert's advantage that the castle should be surrendered promptly, if, as is likely, he then had in contemplation his own marriage with Margaret, the King of Scotland's sister. On October 11, 1220, the king ordered the Earl Marshal to deliver the castle to Henry Foliot, whom he sent to him for the purpose. This time the letters patent were attested by Pierre des Roches.[3] On November 23 the king wrote to him for the fourth time, and sent Gregory de la Tour to receive the castle.[4] How soon after this the Earl Marshal obeyed the royal order is not certain; but the order of November 24 was the last one addressed to him on the subject. On March 12, 1221, the king informed the knights and free tenants of the honour of Huntingdon that the King of Scotland had granted the custody of the honour during the minority of the heir of Earl David to Ranulph, Earl of Chester, and directed them to be intendent to Ranulph as

[1] *Patent Rolls*, p. 236.

[2] *Rot. Litt. Claus.* i. 429 *b*.

[3] *Patent Rolls*, printed text, 257. At this time Hubert was in the north with the king, *infra*, p. 250.

[4] *Ibid.* p. 272.

they had been to the King of Scotland.[1] By virtue of this grant, the date of which is unfortunately not known, the custody of Fotheringay Castle came into the hands of the Earl of Chester, who was uncle to the son and heir of Earl David.

Fotheringay was not the only castle which the young Earl Marshal was called upon to surrender about this time. According to the 'Annals of Dunstable' he was urged by the king's council to surrender Marlborough Castle shortly after Easter 1221, and he then delivered it into the hands of the legate on condition that if other persons surrendered the castles which had been entrusted to them, Marlborough should be retained by the legate; but otherwise it should be restored to him.[2] The entry is brief; but the records show that there had undoubtedly been some discussion in the council on this subject. From them we learn that on April 28 the king sent Fawkes de Bréauté, Richard de Reviers, and Engelard de Cigogné to the Earl Marshal, and begged him to trust what they should tell him about the castle on the king's behalf.[3] The earl then delivered the castle to Pandulph, who remained in possession until February 7, 1224.[4] The statement of the annalist, confirmed as it is by the records, suggests that the Earl Marshal had previously refused to surrender the castle, and only consented to do so at last on his own terms. This was nearly a year after the trouble about Sauvey and Rockingham.

Pandulph also received the castles of Bristol and Devizes in the year 1221. He was appointed warden of Bristol on January 28, when Hugh de Vivonne was sent abroad as steward of Gascony and Poitou.[5] Pandulph's appointment is explained by a declaratory letter issued at Oxford on Christmas Day 1220, whereby Hubert of Burgh, Ranulph, Earl of Chester, William, Earl of Salisbury, Fawkes de

[1] *Patent Rolls*, p. 285. The custody of the manors of Alconbury, Braunton, Nassington and Yarwell had been granted to the Earl of Chester on Dec. 12, 1220 (*Rot. Litt. Claus.* i. 443 *b*).

[2] *Annales Monastici*, iii. 68.

[3] *Patent Rolls*, p. 287.

[4] *Ibid.* p. 426.

[5] *Ibid.* p. 281; *Annales Monastici*, iii. 65.

Bréauté, William Briwere, Geoffrey de Neville, and Philip d'Aubigny undertook on the king's behalf that if Hugh were recalled, or by some misfortune could not remain in the office of steward of Poitou, and he then returned to England, the king would either restore Bristol Castle to him, or would assign to him the custody of some other castle or lands to the value of the wardenship of the castle of Bristol, and the lands which he had by the delivery of John.[1] Here we may see another recognition of the claim that the castellans who had been appointed by John had the right to remain in office during the king's minority. Pandulph evidently accepted the castle so that it might remain in neutral hands during Hugh's absence. Although Hugh returned to England at the end of 1221, Pandulph continued to be warden of the castle until December 30, 1223, when there was a general surrender of castles.[2] Hugh probably received pecuniary compensation in lieu of the wardenship. Pandulph's occupation of Devizes Castle was temporary only. He was appointed its warden by letters patent of June 21, 1221, in succession to Philip d'Aubigny, the king's tutor, who was then going on a crusade;[3] on July 19 Pandulph withdrew from his legation, and ten days afterwards William Briwer was appointed warden in Pandulph's place.[4]

We may now return to the Count d'Aumale and the castle of Bytham which was to be the subject of his next political disturbance. As early as November 3, 1217, the king had directed the count to render to William de Colevile, a rebel who had returned to the king's allegiance, the castle of Bytham in Lincolnshire, and all other lands of which he had been disseised on account of the war; otherwise the earl was to come before the king at Westminster, on the quindene of St. Martin, to show why he had not executed the king's precept, about which he had already received two letters.[5] The form of the writ and the facts that the day appointed was a return day in the Bench, and

[1] *Patent Rolls*, p. 306. [2] *Ibid.* p. 419.
[3] *Ibid.* p. 293. [4] *Ibid.* p. 299. [5] *Ibid.* p. 119.

that the Earl Marshal was not at Westminster on that day, suggest that it was intended that the matter should be considered judicially. The manor of Bytham had belonged to the count's ancestors, and had been alienated by his step-father, William de Mandeville.[1] It is possible that the count claimed that the alienation had been made without the consent of his mother, which was necessary in law. According to the 'Annals of Dunstable' the castle was adjudged to William de Colevile, but the count nevertheless remained in possession.[2] If the annalist is right it is remarkable that no further mandates are recorded upon the rolls of the chancery for the delivery of the castle. It is possible that the count retained the castle with the consent of his knight and tenant, William de Colevile, who is not represented either in the records or the chronicles as having taken any part in the subsequent proceedings. Perhaps the count told him that if he were obliged to surrender the castle, he would take care that it was razed as adulterine.

The Count d'Aumale attended a meeting of the king's council at Oxford on Christmas Day 1220. On the morrow he left Oxford suddenly for Lincolnshire, to rise with a formidable band of followers against the king and his government.[3] There can be little doubt that his conduct was caused by something which happened at this meeting of the council, something which he considered to be a breach of promise or a personal affront. It is known as a fact that in the year 1220 it had been proposed to send him to Gascony as the king's steward, and that the Earl of Salisbury had announced that he would oppose the appointment on the ground of the count's lawless conduct in England.[4] He referred, no doubt, to the detention of the castles of Sauvey and Rockingham. Hubert of Burgh, on the other hand, wished Philip of Ulecote, who had been equally contumacious, in not surrendering Mitford Castle, to be appointed steward,

[1] *Rot. Hund.* i. 260 *b*.
[2] *Annales Monastici*, iii. 64.
[3] *Memoriale*, ii. 247; Wendover (Ed. Coxe), iv. 66.
[4] Shirley, *Royal Letters*, i. 129.

but had great difficulty in obtaining the consent of Pandulph, who considered Philip as unsuitable for the office.[1] Hubert was successful, and Philip was appointed steward of Poitou and Gascony on September 16, 1220.[2] The new steward, however, died on his journey to Gascony, so that the office again became vacant in the course of a few weeks. At the council at Oxford it was decided to appoint Hugh de Vivonne, who, after receiving the promises already mentioned, of having the wardenship of Bristol Castle once more, or else its equivalent in value on his return, was formerly appointed steward on January 4, 1221.[3] No warden of Bamburgh Castle had been appointed since Philip of Ulecote had left England, and for some months it remained in the temporary custody of two knights.[4] On January 14, 1220, John Wascelin, one of these knights, was formally appointed warden by letters patent, probably issued in pursuance of a resolution passed by the council at Oxford.[5] Bamburgh Castle was one of the most important fortresses in the north of England, and it would not have been entrusted to a new warden without careful consideration by the king's council. The Count d'Aumale, having been disappointed over Gascony, probably hoped to secure the wardenship of Bamburgh.

Very little is known of the relations between England and Scotland at the beginning of the year 1221. In the preceding July, as already mentioned, it had been arranged that the Princess Joan should be given in marriage to Alexander II. if she could be procured from France; but if not, the Princess Isabel was to be given in her stead a fortnight later.[6] Michaelmas day came, and the Princess Joan still remained in France. It then became the duty of the king and his council to give the Princess Isabel to the King of Scotland, but this was not done. The marriage treaty must therefore have been modified about this time.

[1] *Foedera*, vol. i. part i. p. 162.
[2] *Patent Rolls*, p. 249.
[3] *Ibid.* p. 275.
[4] *Rot. Litt. Claus.* i. 438.
[5] A new sheriff of Northumberland and a warden of Newcastle-on-Tyne were appointed on the same day. *Patent Rolls*, p. 278.
[6] *Supra*, p. 240.

Historians have hitherto failed to notice that the king, Hubert of Burgh, and perhaps Pandulph, went into Northumberland at the beginning of October,[1] leaving Pierre des Roches to take Hubert's place in attesting royal letters. The meeting with the King of Scotland was, no doubt, contemplated as early as August 13, 1220, when letters of safe conduct were given to the King of Scotland, to last until November 18, in order that he might come to York and there discuss business with the King of England.[2] The kings met at York on October 13, the very day when the Princess Isabel ought to have been given to Alexander in the place of Joan. It is evident that Alexander then consented to waive his rights under the treaty, and to await the arrival of the elder princess. What Alexander and the Scottish magnates thought of the postponement of the marriage is not known. It may be that relations were strained between the two countries until the following summer, when the marriage with Joan was at last celebrated; but in any case the situation was a delicate one, which needed much consideration. During the civil war the northern barons had pursued a different policy from those of the south. On October 22, 1215, Alexander had received the homage of the barons of Northumberland at Felton,[3] and on January 11 following the barons of Yorkshire did homage to him at Melrose.[4] In the event of a war between England and Scotland, the English king could scarcely rely upon the loyalty of his northern barons. The hostility of Scotland would therefore have been a very serious matter.

In considering the delay in carrying into effect the treaty of the preceding June, we must remember the Count d'Aumale. He was one of the English magnates who had sworn that they would labour to secure the observance of the treaty; and he was also, after Ranulph, Earl of Chester, the most powerful baron in the north of England. He possessed three ancestral

[1] *Rot. Litt. Claus.* i. 439.
[2] *Patent Rolls*, p. 247.
[3] *Chronica de Mailros* (Publications of Bannatyne Club), p. 121.
[4] *Ibid.* p. 122.

castles: Skipsea in Holderness, Skipton in Craven, and Cockermouth in Cumberland, all of which he is sure as a soldier of experience to have maintained in a state of military efficiency. The Count d'Aumale was a person who had every right to be consulted on the question of the Scottish marriage; and if, as may have been the case, his opinion were ignored, we should have no need to seek other explanations of his conduct, unjustifiable though it was, after the Christmas council of 1220.

It is impossible to ascertain from the chronicles the precise movements of the count on leaving Oxford. Roger of Wendover says that he hastened to Bytham Castle, that a few days later he attacked the town of Tenham, plundered it, and carried away to his castle the corn of the canons of Bridlington; and that he next plundered the town of Deeping with others of the same district, and seized men, whom, after grievously torturing, he compelled to pay ransom.[1] By Tenham, which is obviously an error, Roger probably meant Edenham, the advowson of which belonged to the Prior of Bridlington. Deeping was the property of William Briwer,[2] who was one of Hubert's political allies, and this may account for its being plundered. The annalist of Dunstable continues the story, and says that the count then seized the castles of Newark, Sleaford, and Kimbolton.[3] Of these Newark and Sleaford belonged, as we have already seen, to the Bishop of Lincoln, who is known to have been in sympathy with Hubert of Burgh. One of the count's knights, a certain Vassal de Fouilles, took an active part in the insurrection. It is significant that in June 1217 the sheriff of Lincoln was ordered to cause the bishop to have full seisin of the manor of Kingerley, which was of the bishop's fee, and not to allow Vassal or anybody else to lay hands on it. The bishop and Vassal were probably old enemies.[4] Kimbolton

[1] Ed. Coxe, iv. 66.

[2] *Rot. Litt. Claus.* i. 423 *b.*

[3] *Annales Monastici*, iii. 63.

[4] *Rot. Litt. Claus.* i. 312 *b.* There was a castle here which John ordered to be razed. *Ibid.* p. 383 *b.* *Patent Rolls*, p. 182.

was another private castle. It belonged to the Earl of Essex, who was prominent in the king's council at this time. Richard Siward, who is described in royal letters patent of February 7 as *capitalis inimicus noster*, probably led the attack on Kimbolton; for on February 7 the king commanded the Earl of Essex, Hugh de Neville, and two others to pursue Richard and those adhering to him with hue and cry from one county to another.[1] Long before this, however, the insurgents had been driven from these fortresses. The count next seized Fotheringay Castle, which, according to the 'Memoriale,' was then in the hands of Hubert of Burgh. Two knights were wounded during the attack, and died soon afterwards.[2] The rest of the garrison were cast into prison and bound in chains. From Fotheringay, according to the same authority, the count sent orders to all the mayors of the cities of England, granting merchants leave to pass to and fro among his castles, an outrageous usurpation of royal authority, which, however, has probably been exaggerated by the chronicler. If the statement in the 'Memoriale' be correct, it would seem that it had been decided at the Oxford council that Hubert of Burgh should have the custody of Fotheringay Castle during the minority of the young Earl of Huntingdon. Such an arrangement would have required the consent of the King of Scotland, to whom the wardship of the young earl and his castle belonged; but it was an arrangement which could hardly have been acceptable to the Count d'Aumale. Hubert already had the custody of six castles;[3] and his opponents could not approve of his having a seventh. On the other hand his marriage, which was soon to take place, with the King of Scotland's daughter Margaret, would probably have enabled him to obtain that king's consent to the arrangement. Hubert, however, was not allowed to retain the castle, which the king of Scotland assigned, as we have already seen, with

[1] *Patent Rolls*, p. 283. He was also appealed of robbery and breach of the peace (*Rot. Litt. Claus.* i. 474 *b*).
[2] *Memoriale* (Rolls Series), ii. 247.
[3] *Supra*, p. 242.

the rest of the honour of Huntingdon, to Ranulph, Earl of Chester.[1]

We may now return to the king and his council. Undated letters of safe-conduct, to last until February 2, were granted to the Count d'Aumale on some day between January 15 and 22.[2] On the latter day the count was ordered to trust what Robert de Vieuxpont and Geoffrey de Neville should tell him on the king's behalf.[3] Some days earlier there had been a meeting of the council, with the result that the legate, the Archbishop of York, and several of the bishops had excommunicated the count and his adherents at St. Paul's for his many and manifest excesses against the king and the Church.[4] The Earl of Chester took part in the proceedings, throwing to the ground a lighted candle, as did the bishops and also the Earl of Salisbury. Some of the magnates then tried to mediate between the king and the count, and it was probably their efforts which led to the letters of protection already mentioned.[5] News now came of the capture of Fotheringay Castle. Perhaps it had come a few days earlier. Active measures to suppress the insurrection were now a necessity. On January 23 the king wrote to Geoffrey de Neville, reciting the excommunication and the seizure of the castle, and ordering him to come with all the men at his disposal, with horses and arms, to meet the king at Northampton and march against the count.[6] Writs, probably in the same words as the letter to Geoffrey, were sent to the other sheriffs.[7] An interesting feature of this letter is that it says nothing about Bytham, but especially mentions the seizure of Fotheringay Castle. Preparations were now made for a campaign. The sheriffs were ordered to summon the knights to be at Northampton on February 2, and money was raised to pay the expenses. Pandulph himself lent the

[1] *Supra*, p. 244.

[2] *Patent Rolls*, p. 278.

[3] *Rot. Litt. Claus.* i. 446.

[4] The date is doubtful. The Dunstable *Annals* give January 25, which is too late (*Ann. Mon.* iii. 63). The *Memoriale* gives after the octave of the Epiphany (ii. 248).

[5] *Annales Monastici*, iii. 63, 64.

[6] Shirley, *Royal Letters*, i. 167.

[7] *Rot. Litt. Claus.* i. 447.

king 200*l.*[1] When Hubert arrived at Northampton he found that the count had left for the north,[2] leaving the two castles of Fotheringay and Bytham in charge of garrisons. Fortunately the garrison of Fotheringay had deserted the count, so that the army was free to attack Bytham.[3] Hubert wrote to Philip Mark calling for his assistance in the siege; and from the form of the letter we may gather that Philip was regarded as a great military engineer.[4] The records give no countenance to the story that either Philip or Fawkes de Bréauté failed the king in his hour of need.

Before the army left Northampton orders were sent to Robert de Vieuxpont to besiege and destroy the count's castle of Cockermouth, and similar orders were sent to the sheriffs of Yorkshire and Lancashire with respect to the castles of Skipsey in Holderness and Skipton in Craven.[5] About this time Robert of Lexington, who had been despatched to report on the count's movements, announced in a letter to Hubert that the count, whom he describes as the king's enemy and 'your' enemy, had passed through Nottingham and Wellow, had stopped for some hours at the house of William de Bueles,[6] between Tickhill and Conisborough, and was on his way to Skipton. He also announced that he had sent messengers to Bamburgh and Newcastle-on-Tyne.[7] Robert of Lexington, it must be explained, had been sent on a message to Bamburgh on or not long before January 21.[8] Probably before he started he was directed to report on the count's movements, as he himself journeyed north. The despatch of a messenger to Bamburgh and Newcastle-on-Tyne suggests that Hubert was anxious about

[1] *Rot. Litt. Claus.* i. 465 *b*; *Patent Rolls*, p. 284.

[2] Shirley, *Royal Letters*, i. 171.

[3] The castle, which was found empty, was delivered to Fawkes de Bréauté (*Annales Monastici*, iii. 64).

[4] *Rot. Litt. Claus.* i. 448 *b*.

[5] *Ibid.* i. 474 *b*.

[6] In the following May William was ordered to leave England before May 20, 1221 (*Rot. Litt. Claus.* i. 457 *b*, 475 *b*). He was afterwards allowed to return (*ibid.* p. 568 *b*).

[7] Shirley, *Royal Letters*, i. 171.

[8] *Rot. Litt. Claus.* i. 446.

these castles, and feared that the count would seize them.[1] But as they were two only out of several of the northern strongholds, the fear probably rested on some threat which the count uttered at the council of Oxford when he found that they were not to be committed to his custody. Messengers were also sent to the King of Scotland and to Poitou. As their expenses are included in the writ of computate for Alexander of Sawbridgeworth for payments made in relation to the siege, there is more than a mere suspicion that the count's insurrection was in some way related to the Scottish marriages.[2]

Meanwhile the attack on Bytham began. Those within the castle were ordered to surrender, and on their refusal were again excommunicated by the legate.[3] After a siege of six or more days the garrison surrendered, and what was left of the fortifications was at once destroyed.[4] The records say nothing of William de Coleville receiving compensation for the destruction of the castle, and we may doubt whether, when the siege began, he claimed it as his right. The count, finding that he could make no effective resistance in Yorkshire and Cumberland, took sanctuary in Fountains Abbey. He there surrendered to the Archbishop of York, on condition that he should be replaced in the abbey if he could not obtain the king's mercy.[5] The garrison were sent to different prisons. Thirteen of them were transferred from the Tower of London to Dover Castle on May 9;[6] and six were sent by Stephen of Seagrave at Sauvey to Engelard de Cigogné at Windsor Castle.[7] Vassal de Fouilles, who had been captured before the walls of Bytham, was sent on

[1] In the following March Hubert went to Bamburgh, accompanied by Briton, the cross-bowman, a soldier of distinction, and eighteen fellows. Part of their expenses was included in the writ of computate mentioned above (*ibid.* p. 454 *b*).

[2] *Rot. Litt. Claus.* i. 453.

[3] *Memoriale*, ii. 249.

[4] *Annales Monastici*, iii. 64. The date of the surrender is doubtful. Roger of Wendover says it was on February 8. This would be after a two days' siege. The records show that Hubert arrived at Bytham on February 6.

[5] *Annales Monastici*, iii. 64.

[6] *Rot. Litt. Claus.* i. 456.

[7] *Ibid.* i. 451.

April 30 to the Tower of London.[1] Richard Siward was given forty days from February 15 in which to leave England.[2] Probably, like the count, he had taken sanctuary. Geoffrey Wind seems to have escaped capture. The Count d'Aumale was once again pardoned ; and as early as May 19 following he was sufficiently in the favour of the government to receive a grant of a market at Cockermouth.[3] Geoffrey Wind was pardoned on June 21,[4] Richard Siward on September 10,[5] and Vassal de Fouilles and the other prisoners were probably released in the autumn. The reason for these pardons must remain a matter of speculation. Roger of Wendover says that the count and all his knights and sergeants were released in consideration of his past military services.[6] There were probably other and more substantial reasons for their release.

Not a shadow of evidence is to be gathered from the records of any of the magnates aiding the count in his insurrection. Some of them may have sympathised with him in his grievances, and supported him in the council ; but this is a very different thing from aiding and abetting him in levying war against the king. In all likelihood, those who had stood by him in the council looked with disgust on his ill-judged appeal to the sword. As a rich and powerful noble, and one of the royalist leaders in the war, he had strong claims on the king's gratitude. But loyalty cannot always meet with its appropriate reward. The count was a young man ; he was inexperienced in administration in times of peace, and he doubtless had defects of character which made him unfit for offices of great responsibility. Whatever his wrongs may have been—and we may believe that he had suffered wrongs—his futile insurrection showed that he was deficient in political wisdom. He lived for twenty-one years after the fall of Bytham peacefully and taking little part in affairs of State. Then he went on his long-deferred crusade and died at sea.[7]

[1] *Rot. Litt. Claus.* i. 455.
[2] *Patent Rolls*, p. 284.
[3] *Rot. Litt. Claus.* i. 458 *b*.
[4] *Ibid.* p. 462 *b*.
[5] *Patent Rolls*, p. 300.
[6] Ed. Coxe, iv. 68.
[7] See article by Mr. T. F. Tout in *Dictionary of National Biography* (lxi. 369).

VII. *The Withdrawal of Pandulph.*

Soon after the siege of Bytham Hubert of Burgh seems to have been in fear of a conspiracy. On March 6 the king wrote to the bailiffs of Pevensey ordering them not to allow any knight or sergeant, with or without arms, to land at that port or to cross the Channel from there. He sent similar letters to the bailiffs of Shoreham and the wardens of the constables of Pevensey, Bristol, and Exeter.[1] In letters patent to the same effect, addressed to the barons of the Cinque Ports, he especially called their attention to the neighbourhood of Shoreham and Pevensey, as he had learnt that people frequently embarked and disembarked there without his licence.[2] These precautions may have been taken on account of a plot, of which Pierre de Mauley, warden of Corfe Castle, was suspected. The story of the plot is told in some detail by Fawkes de Bréauté in his famous complaint to the Pope in 1225, as follows:[3] Pierre de Mauley was summoned to come before the king at Winchester on Whitsunday 1221, when Pierre des Roches, was abroad. Pierre de Mauley was then accused of treason in having promised to deliver the king's cousin, the Princess Eleanor, to the King of France. It was alleged that a ship had been prepared for her by Pierre des Roches, who had left England to promote the conspiracy. Pierre de Mauley was then forcibly detained until he had surrendered the castles which he had sworn to hold until the king was of lawful age. The records say nothing of the conspiracy, but they show that the king and Hubert really were at Winchester on Whitsunday, that on the following Friday the king received from Pierre de Mauley by the hands of Hubert of Burgh, William, the Earl of Salisbury, William the Earl Marshal, and William Briwer, the castle of Corfe, the Princess Eleanor, the Princess Isabel of Scotland, and the jewels, cross-bows, and other property which John had entrusted to Pierre's custody.[4] The records

[1] *Rot. Litt. Claus.* i. 451.
[2] *Patent Rolls*, p. 284.
[3] *Memoriale*, ii. 259.
[4] *Patent Rolls*, p. 321.

also show that Pierre, notwithstanding the accusation of treason, was allowed to remain in possession of the castle of Sherbourn until January 30, 1222,[1] and of the shrievalty of Dorset and Somerset until November 20, 1221.[2] Most of the chroniclers ignore the conspiracy. The annalist of Dunstable says in one place that Pierre was publicly accused of treason and acquitted by the council;[3] and in another that Pierre and Engelard de Cigogné were arrested on suspicion of treason, and could not secure their release until Pierre had surrendered Corfe Castle and Engelard had given sufficient security for the surrender of Windsor Castle.[4] In the 'Memoriale' it is stated that Pierre was seized on Whitsunday, that a council was held by the archbishops, bishops, and magnates of the realm at London; and that he then put himself in the king's mercy: 'accusatoribus ipsius de probacione erga eum mota resipiscentibus.'[5] The council here mentioned was the one held in November 1221, when Pierre rendered an account of his receipts before the Bishops of Winchester, Durham, London, and Rochester, William Briwer, and Fawkes de Bréauté.[6] It is interesting to notice that he was allowed the sum of 6561½ marks which he had received as the ransom of various prisoners. The accusation of treason brought against Engelard de Cigogné must have been without foundation, for in the autumn of this very year he was sent on an important mission to Poitou, and he was allowed to retain his castles until the general surrender at the end of 1223.[7]

Fawkes de Bréauté emphasises the fact that the arrest of Pierre de Mauley was effected in the absence of Pierre des Roches. Some modern historians, on the other hand, have represented the latter as leaving England in the autumn, many months after the arrest. Fawkes's statement is correct. Pierre des Roches received letters patent of protection on

[1] *Patent Rolls*, p. 325.
[2] *Ibid.* p. 320.
[3] *Annales Monastici*, iii. 75.
[4] *Ibid.* iii. 68.
[5] *Memoriale*, ii. 251.
[6] *Patent Rolls*, p. 321; *Rot. Litt. Claus.* i. 481 *b*.
[7] *Patent Rolls*, pp. 303, 313.

April 16, 1221, which were to last until he returned from his pilgrimage to Santiago.[1] The chancery rolls show that he had already returned on July 20.[2] The statement that Pierre des Roches took the cross and left England in the autumn of 1221 is based on a misconception of the authorities. The Dunstable 'Annals' say that when Pierre and Fawkes de Bréauté were preparing to go to the Holy Land a rumour came that Damietta had been taken by the Saracens, and for this reason they deferred their pilgrimage until they had received further orders from the Pope.[3] The 'Annals' of Winchester say that Pierre des Roches started for Santiago, and also that he took the cross.[4] The 'Annals' of Waverley that he took the cross on September 19.[5] All these statements may be taken as correct. Pierre went to Santiago in the spring, and with Fawkes de Bréauté took the cross in the autumn.

The arrest of Pierre de Mauley by Hubert of Burgh in the absence of Pierre des Roches suggests that the two statesmen were now drifting apart. The Pope was becoming nervous about the state of affairs in England. On April 28 he wrote to the Archbishop of Canterbury and his suffragans requesting them to do all they could to stop the beginnings of civil war.[6] On the following day he sent a similar letter to the Archbishop of York and his suffragans;[7] and a third letter to the same effect to Pierre des Roches. On April 29 he also wrote to Pierre des Roches, Hubert of Burgh, Ranulph, Earl of Chester, and William Briwer, directing them to recall the wardships and escheats which belonged to the king, and were being detained against his will.[8] Unfortunately it is very doubtful what wardships and escheats the Pope had in mind when he wrote this letter. These papal efforts seem

[1] *Patent Rolls*, p. 286. [2] *Rot. Litt. Claus.* i. 465 *b*.

[3] *Annales Monastici*, iii. 75. The Dunstable *Annals* also say that Pierre and Hugh, Bishop of Hereford left England, but it was unknown to many whither they went; some said to Santiago, others to Rome. *Ibid.* p. 68.

[4] *Ibid.* ii. 84. [5] *Ibid.* ii. 295. [6] Pressutti, *Regesta*, i. 537, No. 3297.

[7] Shirley, *Royal Letters*. i. 174.

[8] Pressutti, *Regesta*, i. 538. These letters are wrongly dated by Rymer as of the year 1222 (*Foedera*, vol. i. part i. p. 167).

to have had a good effect, for they were followed by a period of comparative tranquillity, only broken by the riot of the Londoners which, as already mentioned, took place in August 1221. No letters, however, could allay the jealousy between Pierre and Hubert, eager as they were to enjoy the favour of the boy-king, and with his favour the privilege of governing the country.

On July 19 in this year Pandulph withdrew from his legation.[1] No papal letters relating to the event are registered, and we only know the date of his withdrawal from the 'Flores Historiarum.' As already explained, the great Earl Marshal when dying had appointed him his successor as regent of the king and his realm; and there is no indication in 'L'Histoire de Guillaume le Maréchal,' from which we learn of the transaction, that any of the magnates objected to the appointment. By the law of England a wardship was capable of assignment, just as any chattel; but the wardship of the king and his kingdom was scarcely a matter for the application of the rules of the common law. It was recognised by the magnates as valid, doubtless out of respect for the memory of the great Earl Marshal and as having the approval of Honorius III., the king's feudal superior. Pandulph was perhaps the person of all others in England who was most suited for the office. In days of jealousy and bitter civil strife he had a difficult task to perform. He seems to have steered a middle course, and, to judge from the silence of the chroniclers, to have satisfied all parties. A regent could exercise no greater power than a king, and he was bound to rule with the advice of the magnates. This he did; and the conditional surrender to him of Marlborough Castle is strong testimony of his impartiality. It was also natural that as a foreigner and an ecclesiastic he should delegate many of his duties to the justice, Hubert of Burgh, whose power grew steadily throughout his legation. Pandulph's letters are mostly written from the south-western counties, where he

[1] *Flores Historiarum* (Rolls Series), ii. 172, 173. He is last mentioned as legate on the chancery rolls on July 20 (*Rot. Litt. Claus.* i. 464).

seems to have resided usually. Some of them suggest that he found his work wearisome, and it may be that, like Guala, he was glad to be relieved of his office. Honest and conciliatory as Pandulph appears to have been, we may doubt if Honorius thought as highly of his administrative ability as of Guala's. England was his only legation, and he never became a cardinal. Probably he shone as a counsellor and diplomatist rather than as a statesman and ruler.

The withdrawal of Pandulph from his legation should not be ascribed to any change of policy at Rome. At the beginning of the reign several royal letters show that it had been arranged that the king's minority should cease for certain purposes on his fourteenth birthday.[1] It was doubtless intended that the boy-king should have no voice whatever in the government of the country until he had attained years of discretion. From that date he was to rule in person but subject to some restrictions, which cannot now be discussed, until he was twenty-one years of age. Thus it was only until his fourteenth birthday that a regent was required. When the king attained years of discretion Pandulph's work as a civil governor was at an end. There was no war or extraordinary state of affairs in England which necessitated the presence of a papal legate.

During the regency of the Earl Marshal the custody of the king's person had been entrusted to Pierre des Roches, but when Pandulph succeeded the earl, Pierre shared the custody with Philip d'Aubigny, the great soldier, to whom the destruction of the French fleet in August 1217 may in a large measure be credited.[2] It was because Philip was his responsible colleague that Pierre was able to go on his pilgrimage to Santiago in the summer of 1221. On Pierre's return the young king was still some three months from his fourteenth birthday, but just as in 1227 his legal minority terminated nearly two years before his twenty-first birthday, so now his complete incapacity was allowed to terminate before he was fourteen years of age. Philip d'Aubigny was

[1] *Transactions*, xviii. 281. [2] *Ibid.* p. 266.

by this time anxious to be relieved of his tutorship. Early in 1221 he wrote to Honorius asking for leave to go on a crusade. His application was refused, and on April 29 he was ordered not to go without papal licence, but to instruct the king *in moribus et salubribus disciplinis.*[1] Honorius must have changed his mind very soon after giving this order. On June 21, Philip is stated in letters patent to have betaken himself on a pilgrimage, and two days later he was ordered to deliver Devises Castle to Pandulph.[2] It is not likely that he left England without the Pope's consent. A passage in Fawkes de Bréauté's letter of complaint to the Pope in 1224 is of especial interest, as showing the view which a member of the council took of these events. 'Cum autem Wintoniensis episcopus de partibus Hispanie esset reuersus, ipsumque regem post excessum pupillaris etatis a sua fateretur custodia liberatum, propterea quod probare non poterat ut rex talibus applicaretur studiis ad que per quosdam emulos trahebatur, cepit idem rex iusticiarii complicumque suorum consiliis inherere.'[3] Fawkes implies that, on the return of Pierre des Roches, the king was adjudged to have passed his pupillary age, and was now able to act independently of his tutor. The exact date of Pierre's return is not known, but he was certainly in England on July 20,[4] and it was on July 19 that Pandulph withdrew from his legation. Probably he returned to England before Philip d'Aubigny left for the East.

[1] Pressutti, *Regesta*, i. 540, No. 3313.
[2] *Patent Rolls*, p. 293.
[3] *Memoriale*, ii. 260.
[4] *Rot. Litt. Claus.* i. 465 *b*.

SOME ELIZABETHAN PENANCES IN THE DIOCESE OF ELY

Edited by HUBERT HALL, F.S.A., *Director*.

THE documents printed below from the originals in the possession of Mr. J. W. Ford, J.P., of Enfield Old Park, by whom they were kindly communicated to the Society, have some interest in connexion with an obscure aspect of the ecclesiastical government of the later Tudor and early Stuart periods.

The recent researches of Mr. and Mrs. Sidney Webb have thrown much new light on the local organisation of the parish in a later period. Further researches will doubtless be made by other scholars, for the purpose of amplifying the existing accounts of the procedure of the central and perambulatory ecclesiastical courts, so far, at least, as they affected the temporal and spiritual well-being of the local communities.

This, however, is not the place in which the difficult question of the excesses of the ecclesiastical jurisdiction in the sixteenth and seventeenth centuries can be discussed. Materials for an examination of several aspects of the subject will be found in well-known works of reference,[1] but further

[1] Especially G. W. Prothero, *Select Statutes, &c.* (1906); Gibson's *Codex*; Strype's *Whitgift*; Reeve, *History of English Law*; Bishop Stubbs's *Report on Ecclesiastical Courts* (*Historical Appendix*); S. and B. Webb, *History of English Local Government*, vol. i.; Abbot Gasquet, *The Parish* ('Antiquary's Books'); Toulmin Smith, *The Parish* (1857); Ayliffe's *Parergon* (1726); Lyndewode's *Provinciale* (1679), Prideaux's *Directions to Churchwardens* (1716), Phillimore, *Ecclesiastical Law* (1873). An important essay on this subject will shortly be published by Mr. S. L. Ware, of the Johns Hopkins University. An interesting view of the discipline enforced by the Puritan clergy is to be found in Camden, Third Series, vol. viii., and some references to the subject will appear in the *Diary of the Rev. Ralph Josselyn* (1625–1685), which will shortly be published in the same series.

details and much instructive evidence would undoubtedly be supplied by a large number of unpublished Consistory Court books and visitations,[1] as well as by such local records as vestry books and churchwardens' accounts,[2] and public records which have preserved cases of 'secular aid' for the enforcement of ecclesiastical discipline from the reign of Henry III to that of Queen Victoria.[3]

The documents printed here appear to be citations announcing the sentences of the Consistory Court, notified by the official of the Archbishop of Canterbury during the voidance of the See, between the years 1581 and 1599. These official instruments are not holographs, but are only signed by the official in question. Most of them are signed by Dr. Thomas Legge, the well-known Master of Gonville and Caius College, Cambridge, and also an advocate in Doctors' Commons, and a Chancery Master. In other cases, however, they are only certified by the notary as true copies from the Act Book. In every case these notices are addressed to the parish clergy, and conclude with the usual requirement of a personal return to be made by the penitents as to the execution of the sentence. It would appear from document No. 5 that the notices were served by the Apparitor or 'Sumner.' The intervention of this officer and the obligation of making the return in person were equally obnoxious to the parishioners, as affording pretexts for extortions, the effect of which upon the stability of

[1] Cf. A. Gibbons, *Calendar of the Ely Episcopal Records*, Historical MSS. Comm. 12th Report, App. IX. p. 378 sq. ; *ibid.* Various Reports, vol. i. p. 350, and *passim*, Surtees Society, vol. xxii. &c.

[2] In addition to those printed in such texts as the Surtees Society, vol. lxxxiv.

[3] Cf. *Ecclesiastical Documents* (Chancery and Exchequer), *passim*, and *Significavits* (Petty Bag, Cursitors Records, *passim*). Mr. Ford has in his possession a contemporary MS. (attributed to the Rev. Simon Ford, D.D.), containing the process of confession and absolution of a penitent, who had been prevailed on to take the oath of allegiance to the Pretender in 1715. The offence seems to have been dealt with canonically as a case of 'false swearing.' Mr. Ford has also communicated a MS. *Form of Reconciliation* of a penitent of a still later date, which was apparently the conventional form in use in the middle of the eighteenth century.

episcopal government was of the most serious character. These certificates of execution are appended to the original notices, or are endorsed thereon in the handwriting of the parties making the return. In one case (No. 13) the certificate of the vicar and churchwardens takes the form of an intercession with the vicar-general of the Archbishop of Canterbury, as judge of the Consistory Court, for the remission of any further penance in the case of comperts who have paid a sum of money to the use of the poor; a practice much in favour, but very reluctantly permitted by the ecclesiastical authorities, and definitely forbidden by a Constitution of 1597.

It will be noticed that in every case penance is enjoined for an offence against either religion (Nos. 1, 2, 3, 6, 12, 14) or morality (Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 13), no instance occurring here of an offence against ecclesiastical discipline or property, which in most cases were matters of personal concern to the clergy and churchwardens themselves.

The documents are dated between 1586 and 1596, but, with one exception (No. 1), they belong to the period between July 1594 and November 1596. It is noticeable that although in most of these cases a period of many months was allowed to elapse between the sentence and its promulgation,[1] to allow of the canonical performance of the penance during Lent, this practice was not invariably observed, and in some cases the sentence was carried into effect within the space of a few days.[2] Nothing is known as to the early custody of these documents, which were purchased by Mr. Ford at a public auction, but presumably they came originally from an official collection. The original sentences must have been entered in the Consistory Act Books of the Diocese of Ely, but the Court books are missing between the years 1592 and 1598. The presentments of these cases might possibly be found in the Visitation Books, of which a few still exist for this period, particularly one for the year 1596. No significance appears to be attached to the topographical distribution of the cases.

[1] Nos. 2 to 7, 9, 10. In No. 12 the date of penance is deliberately fixed after Lent.

[2] Nos. 1, 8, 11 and 14.

1. *A Confession to be made by William Serient of Waterbeache*

27 Januarii Anno Domini 1586.

The said William Serient shall vppon Sondaye, beinge the xxixth of Januarie next comeinge, imediatly after ye readinge of the Gospell come forthe of hys seate in the church of Waterbeache aforesaid vnto the middle alley there, to the place wher the Minister red the same Gospell, and there standing he shall with a lowde voice say and confesse as followeth :—

Good neighbours I acknowledge and confesse that I have offended Almightie God and by my evell example you all, in that I haue not come to the churche in due tyme upon the Sabothe daye, for which I am hartely sorrie; and I humblie beseeche God and earnestly desire you all to pray to God for me, and to forgive and to take example at this my punishement, promisinge by God's grace never to offend in the like againe.

And of the doeinge hereof in manere and forme aforesaid he shall vnder the handes of the Minister and Churche Wardens there personallie certifie, together with their [*sic*] presents, at Great S$^{t.}$ Maries Churche in Cambridge vppon ffridaie [1] beinge the tenthe [1] day of ffebruarie next comeing, and then and there receive such further order herein as shalbe appointed.

RIC: BRIDGWATER.[2]

[Indorsed] To the Vicar of Waterbeache deliuer this.

[*cut away*] in the paryshe Churche of Watterbeach the xxix^{tie} day of January aboue wrytten.

per me THO: PAYNE vicarium ibidem
JOHN HASELL
JOHN FFROMENT ⊓ his marke.

2. *A Confession to be made by W$^{m.}$ Drew of Newton.*

. . vj^{ti} Julij [Anno] Domini 1594.

The saied Drew shall vpon Sundaye, beinge the thirtithe daye of Marche next insewinge, ymmediately after or before morninge or euening prayer, in the presence of the Minister and Churchwardens there saye and confesse as followeth :—

Good neighbors I acknowledge and confesse that I haue offended Allmightie God, and by my euill example you all, for that I suffered Richard Peareson my servant to carrie a sheeperacke to the pasture on the Sabboth daie before morninge praire, for which I am verie

[1] The dates were left blank and were subsequently filled in, as in the case of the remaining documents.

[2] Probably Richard Bridgwater, M.A., Fellow of King's College, Cambridge, and one time Public Orator and Proctor.

hartelie sorie ; and I aske God and you all most hartelie forgiuenes for the same promising by God's helpe never to offend hereafter in the like againe.

And of the doing hereof the saied partie shall vnder the [*sic*] Minister and Churchwardens there personallie certefie, together with thes presentes, vpon Tewsdaie, beinge the xvth daie of Aprill next cominge, at Trinitie parishe Church in Ely, and then and there receaue suche further [order] herein as shalbe appointed.

THOMAS LEGGE.[1]

[Indorsed] To my lovinge frend Mr. Lawrence, Parson of Newton.

We whose names are under wrytten doe testifye that the saide William Drewe made confession of his fault in suche forme and manner as is above sett downe, Aprilis 13° 1595.

W. LAWRENCE parson of Newton.
JOHN BOSWORTHE churchwarden.
WILLM. HODGSON
BARTHOLOMEW JOHNSON } parisheoners.

3. *A Confession to be made by John Tims of Sutton.*

The saied partie shall vpon Sundaie, beinge the xxxth daie of March next cominge, come forth of his seate in the parishe churche of Sutton aforesaid, imediatlie after the readinge of the Gospell, into the middle alley there, and with a loude voice saie and confesse as followeth viz. :— [xx] iiij^{to} die mensis Julij [A]nno Domini 1594.

Good neighbors I acknowledge and confesse that I haue offended Allmightie God and by my euill example you all, for that I suffered my horse and carte to worke vpon Easter Mundaie in the morninge praire time, and also for that I haue bene a common swearer, for which I am verie hartelie sorie, desirynge God and you all most hartelie forgiuenes for the same, promisinge by God's helpe neuer to offend hereafter in the like againe.

And of the doing hereof the saied partie shall, vnder the handes of the Minister and Churchwardens there, personallie certifie, together with thes presentes, upon the xvith daie of Aprill next cominge, at Trinitie parishe Church in Ely, and then and there receave suche further [*sic*] herein as shalbe appointed.

THOMAS LEGGE.

[Indorsed] To my lovinge frend the Vycare or Curate of Sutton thes.

This confession was made by John Tymes the xxxth day of March 1595.

Witnesseth HEN^{R}. FAUX.

[1] See Prefatory Note.

4. *Parte of the pennance Inicyned vnto Johane Andrewe alias Vertue Anderson of Trinity parishe in Elye.*

[x]xiiij^to die Julij [Anno] Domini 1594.

The saied penitent shall vpon Sundaie, beinge the xxx^th day of Marche next comminge, clothed in a white sheete downe to the grownd and hauinge a white wande in her hand, resort vnto the parish churche porche of Ely Trinitie aforesaied, and there shall stande from the second peale to morninge praire vntill the readinge of the second lesson, dessiringe people that passe by her into y^e church to pray God for her and to forgiue her; at which time y^e Minister there shall comme downe to this penitent and fetch her into y^e church with y^e psalme of *Miserere* in English, and place her in the middle alley there apart from all other people, where she shall penitently kneele vntill y^e readinge of y^e ten commaundementes, at which time y^e Minister there shall comme to this penitent and cause her to say and confesse as followeth, viz. :—

Good people I acknowledge and confesse y^t I haue offended Allmightie God and by my euill example you all, for that I haue broken his Divine lawes and commaundementes in committinge yt most shamefull and abhominable sin of adultrie or fornicacion, for which I am most hartily sory, and I aske God and you all most hartily forgiuenesse for the same, promisinge by Godes helpe never to offend hereafter in y^e like againe.

And at y^e end of this confession the first day y^e Minister to reade y^e homely against adultrie or fornicacion, and y^e third daie to reade y^e homely of repentance, y^e penitent standinge by all the while; and in like manner and forme in euery pointe and condicion as aboue is prescribed she shall do two other Sundaies or holydaies next ensuinge after y^e first; and of the penitent doinge hereof vppon all y^e saied three seuerall Sundaies or holy[daies] she shall vnder y^e handes of y^e Minister and Churchwardens there personally certifi, togeather with these presentes, the xvi^th daie of Aprill next comminge, at Trinitie parish Church in Ely aforesaid, and then and there receiue such further order herein as shalbe appointed.

THOMAS LEGGE.

[Indorsed] To the Curate of Trinitye parishe in Elye thes.

Penitentiam suam egit hæc mulier secundum modum et formam suprascriptos die et loco supradictis, teste RICHARD FFISON Curato ibidem.

5. *Parte of [the] pennance Inioyned vnto Hellen Lambe of Chattres widdowe.*

xxiiij^to^ die Julij Anno Domini 1594.

The saied penitent shall vppon Sundaie, beinge the xx^th^ [*sic*] daie of Marche next comminge, clothed in a white sheete downe to the grounde, and haueuinge a white wande in her hand, resorte vnto the parish church porche of Chattres aforesaied and there stand from the second peale to morninge praire vntill the reading of the second lesson, desiringe the people that passe by her into the church to praie to God for her and to forgiue her; at which time the Minister there shall come to this penitent & fetch her into the church, with the psalme of *Miserere* in English, & place her in y^e^ middle alley there aparte from all other people, where she shall penitently kneele vntill the readinge of the ten commaundementes at which time the Minister there shall come to this penitent & cause her to saie & confesse as followeth, viz. :—

Good people I acknowledge and confesse that I haue offended Almightie God and by my euill example you all, for that I have broken the Divine lawes and commaundementes in committinge the most shamefull and abhominable sin of adultry or fornication, for which I am most hartily sory, and I aske God and you all most hartily forgiueness for the same, promisinge by Godes help neuer to offend hereafter in the like againe.

And at the end of this confession the first daie to reade the homely against adultrie or fornicacion and the third daie to reade the homely of repentaunce, the penitent standinge by all the while, and in like manner and forme in euery point and condicion as above is prescribed she shall do two other Sundaies or holy daies next ensuinge after the first; and of the penitent doinge hereof vppon all the said three seuerall Sundaies or holy daies she shall, vnder the handes of the Minister and Churchwardens there, personallie certifie, togeather with these presentes, the xvi^th^ daie of Aprill next comminge, at Trinitie parishe Church in Ely, and then and there receave such further order herein as shalbe appointed.

THOMAS LEGGE.

[Indorsed] To my lovinge frend the Vicar of Chattres giue these.

This penitent Hellen Lambe hathe two seuerall tymes viz. the vj^th^ daye of Aprill and the xiij^th^ daye of Aprill, beinge Sondayes, performed that part of penance inioyned vnto her in the manner and forme above written.

Witnesses hereof THO: SALE Minister
THOMAS REYNOLD } churchwardens
JOHN READE. }

She could not performe it vpon the xxxth daye of March because it was the xxxjth daye before I receaved your Bills from the Apparitor.

6. *A Confession to be made by Daniell Lardge of Trinitie parishe in Ely, Henrie Barker, Robert Stennell and Wm. ffowler of the same parishe.*

xxiiij^{o} die mensis Julij Anno Domini 1594.

The saied parties shall vpon Sundaie, beinge the xxxth daie of March next comminge, in the parishe church of Ely Trinitie aforesaied, come forth of there seates in the middle alley there, imediatelie after the readinge of the Gospell, and there shall stand and with lowde voyces saie and confesse as followeth viz. :—

The Confession of Daniell Large.

Good neighbors I acknowledge and confesse that I haue offended Allmightie God and by my euill example you all, for that I did harbor Joane Andrewe, alias Vertue Andersonn, in my howse, she beinge deliuered of child there, doing thereby as much as [in] me did lie to cloake that her filthie acte, for which I am verie hartelie sorie desiringe God and you all moste hartie forgiueness for the same promisinge by God's helpe neuer to offend hereafter in the like againe.

The Confession of Henrie Barker.

Good neighbors I acknowledge and confesse that I haue offended Allmightie God and by my euill example you all, for that I did plaie at Cardes vppon the Sabboth daie in Eveninge praire time for which I am hartelie sorie, and I aske God and you all most hartelie forgiuenes for the same, promisinge by Godes helpe neuer to offend hereafter in the like againe.

The Confession of Robert Stennell and Wm. ffowler.

Good neighbors wee acknowledge and confesse that we haue offended Allmightie God and by our euill example you all, for that we did abuse our [*sic*] in drinke vppon the Sabboth daie, for which wee are verie hartilie sorrie, and we aske God and you all most hartie forgiuenes for the same promisinge by Godes helpe neuer to offend hereafter in the like againe.

And of the doinge hereof the saied parties shall vnder the [*sic*] Minister and Churchwardens there personallie certifie, together with these presentes, vpon Wednesdaie beinge the xvith daie of Aprill

next cominge, at Trinitie parishe Church in Ely and then and there receaue suche further order herein as shalbe appointed.

THOMAS LEGGE.

[Indorsed] To the Curate of Trynitie parishe in Elye thes.

Danyell Large and Henry Barke[r][1] haue performed their confessyon which they were enjoyned, in the parish church of Elye Trinitye, the vjth daye of Apryll. Per me RICHARDUM FYSON curate.

JOHN GOODRYCKE.

7. *A Confession to be made by Rychard Carnaby of Wysbitche S^{t}. Peters.*

The saied partie shall vpon Sundaie, being the xxxth daie of Marche next cominge, in the parishe church of Wisbich aforesaied, imediatlie before or after morninge or eveninge praire, before the Minister and Churchwardens and fower or fiue of the most substantiall men of the saied [*sic*]—saie and confesse as followeth viz. :— xxvj^{to} die Julij Anno Domini 1594.

Good neighbors I acknowledge and confesse that I haue offended Almightie God and by my euill example you all, for that I did comytt fornicacion with my wife before wee were married, for which I am most hartelie sorie, and I aske God and you all most hartelie forgiuenes for the same, promisinge by God's helpe never to offend hereafter in the like againe.

And of the doing hereof the saied partie shall, vnder the hands of the Minister and Churchwardens there, personallie certifie, together thes presentes, at the next courte at Ely or thereaboutes holden, and then and there receaue suche further order herein as shalbe appointed.

THOMAS LEGGE.

[Indorsed] To my verie lovinge frend Mr. Mathewe Champion Vicar of Wisbich giue thes.

Richard Carnaby hath made his confession accordingly, on Sonneday the vith of April 1595, in the parysh church of Wysbich S^{t}. Peter.

Ita testamur

MATT: CHAMPION
ARTHUR DAKTENN (?)
THOMAS PIGGE

[1] It will be observed that Robert Stennell and William Fowler are not included in this certificate.

8. *A Confession to be made by Elizabeth Bowltell of Badburham.*

Decimo sexto ie Mensis Maij 595.

The saied partie shall vpon Sundaie, beinge the xxvth daie of Maie now instant, in the parishe church of Badburham aforesaid come forth of her seate into the middle alley there, imediatlie after the reading of the Gospell, and there shall stand and with a lowde voice shall saie and confesse as followethe viz. :—

Good neighbours I acknowledge and confesse that I haue offended Allmightie God and by my euill example you all, for that I did make discords betwene neighbor and neighbor, and allso I haue beene a pratlinge gossip goinge from one howse to another to tell tailes and lies, for which I am most hartelie sorie, desiringe God and you all most hartelie forgiuenes for the same, promisinge by God's help neuer to offend hereafter in the like againe.

And at the end of this confession the said partie shall vnder the handes of the Ministers and Churchwardens there personallie certifie, together with these presentes, vpon Fridaie being the xxxth daie of Maie nowe instant, at Great S$^{t.}$ Maries Church in Cambridge, and then and there to receaue suche further order herein as shalbe appointed.

Concordat cum Actis Curie
Ita testor Tho. Amy [1] Notarius publicus

[Indorsed] To my lovinge frend the Curate of Badburham giue thes.

Thomas fyelde
The marke + of John Thurgar the churchwarden
John London
Robart Reynot

9. *Parte of pennance Inioyned vnto Margaret Stannard of Trinytie parishe in Elye.*

Quinto Augusti Anno Domini 1595.

The saied penitent shall vppon Sunday, beinge the xxijth daie of February next cominge, clothed in a white sheete downe to the grownde and hauinge a white wande in her hand, resorte vnto the church porch of Trinity parish in Ely aforesaid, and there shall stand from the second peale to morninge praire vntill the reading of the second lesson, desiringe the people that passe by her into the church to praie to God for her and to forgiue her; at which time the minister there shall comme downe to this penitent and fetch her into the church with the psalme of *Miserere* in Englishe, and place her in the

[1] Probably a relative of Sir John Amye, a Chancery Master at this date, like Dr. Thomas Legge.

middle alley there aparte from all other people, where she shall penitently kneele vntill the readinge of the ten commaundementes, at which time the minister there shall comme to this penitent and cause her to saie and confesse as followeth viz. :—

Good people I acknowledge and confesse that I haue offended Almightie God and by my euill example you all, for that I haue broken his devine lawes and commaundementes in committinge the moste shamefull and abhominable sin of adultrie or fornicacion, for which I am most hartily sory, and I aske God and you all most hartily forgiuenes for the same, promisinge by Godes help neuer to offend hereafter in the like againe.

And at the ende of this confession, the first daie the minister to reade the homely against adultrie or fornicacion, and the third daie to read the homely of repentaunce, the penitent standinge by all the while, and in like manner and forme, in every pointe and condicion as aboue is prescribed, shee shall do two other Sundaies or holidaies next ensuinge after the first, and of the penitent doing hereof vppon all the saied three seuerall Sundaies or holidaies she shall vnder the hands of the Minister and Churchwardens there personallie certifie, togeather with these presentes, the tenth daie of Marche next at Trinity parishe Church in Ely, and then and there receaue such further order herein as shalbe appointed.

Concordat cum Decreto domini Judicis
Ita testor THO: AMY, Notarius Publicus.

[Indorsed] To my lovinge frend M^r^. ffeson Curate of Trinity parishe in Ely giue thes.

Hec mulier suam egit penitentiam secundum modum et formam suprascriptos die et loco supradictis, per me RICHARDUM FFISON curatum ibidem.

10. *A confession to be made by Katharine Oliver of Parson Droue the wife of W^m^. Oliuer.*

The saied partie shall vpon Sondaye, being the xxij^th^ daye of February next commingc, come forth of her seate in the parish church of Parson Droue aforesaied into the middle allye there, ymmediately after the readinge of the gospell, and with a loude voice shall saye and confesse as followeth viz. :— [S]eptimo Augusti [Anno] Domini 1595.

Good neighbors I acknowledge and confesse that I have offended Almighty God and by my evill example you all, for that I have bene a scoulder and a slaunderouse person and a sower of strife amongest my neighbors to the breach of Charity, for which I am moste hartely

sory, and I aske God and you all moste hartely forgivenes for the same, promiseinge by God's helpe never to offend hereafter in the like againe.

And of the doinge thereof shee shall, vnder the hands of the Minister and Churchwardens there, personally certifie, togeather with these presentes, vpon Tewsday, beinge the nineth of March next, at Trinity parishe Churche in Elye, and then and there receive such further order herein as shalbe appointed.

Concordat cum Actis Curie
Ita testor THO. AMY Notarius publicus

[Indorsed] To my lovinge frend the Curate of Parson Droue giue thes.

M^d^ the wyfe of William Oliver hauth done such pennance and made such Confession as was inioyned vnto her by these presentes the daye and month above said, in wytness where of wee haue set to our handes the last daye of February in anno 1595.

per me CHRISTOFERUM TIMMYE clericum
WILLIAM JOHNSON.
EWARDE √ TOMYSON. } Churchwardens

11. *Parte of pennaunce inioyned vnto Elizabeth Farnam of Stapleford.*

Decimo septimo (*sic*) die mensis Octobris Anno Domini 1595.

The sayed penitent shall vpon Satterday next commeinge, beinge the xvj^th^ day of October now instant, cloathed in a white sheete downe to the grownde, with a white wand in her hand, and haveinge papers pinned, the one vpon her breste and the other vpon her backe, declaringe her abhominable offence, resort vnto the bull ringe in Cambridge and there shall stand from ten of the clocke in the forenone vntill one of the clocke in the afternone of the same day, desiringe the people that so shall behould her to pray to God for her & to forgive her; which beinge penitently done, she shall departe, cloathed as is aforesayed, vnto the howse which she came forth of. And vpon Sunday next followinge she shall resort vnto the Church porch of Stapleford aforesayed, and penitently shall stand, cloathed as aforesayed & havinge a white wand in her hand and papers pinned as aforesayed, from the second peale to morninge prayer vntill the readinge of the second lesson, desireinge the people as they passe by her into the church to pray to God for her and to forgive her. At which time the Minister there shall go to this penitent and fetch her into the Church with the psalme of *Miserere* in Englishe and place her in the middle ally there aparte from all other people, where she shall penitently kneele vntill the readinge of the Gospell, at th'end wherof

the minister there shall cause this penitent to say and confesse as followeth, viz. :—

Good neighbors I acknowledge & confesse that I have offended Almighty God & by my evill example you all, for that I have broken his divine lawes & commaundementes in committinge the most shamefull & abhominable sinne of fornicacion, for which I am moste hartely sory, & I aske God & you all moste hartely forgivenes for the same, promisinge by God's grace never to offend hereafter in the like againe.

And at th'end of this confession, the firste day the Minister to reade the homely againste adultry or fornicacion, and the second day to reade the homely of repentance, the penitent standinge by all the while, & in like manner & forme & in every pointe & condicion as above is prescribed she shall doe one other Sunday or hollyday next insewinge after the first. And of the penitent doeinge hereof vpon bothe the sayed Sundayes or holydayes, she shall vnder the hands of the Minister & Churchwardens there personally certify, together with these presentes & allso the sayed papers, vpon Friday beinge the laste day of October, at Greate S^t^ Maries Church in Cambridge, & then & there receave such further order herein as shalbe apointed.

Concordat cum actis Curie. Ita testor.
THO: AMY Notarius Publicus.

[Indorsed] To my lovinge frend Mr. Lee viccar of Stapleford give these.

Elizabeth Farnam hath done these partes of pennaunce in such maner and at such tymes as ys here set downe & appointed.

Witnesses hereof,
WILLM: LEE Minister
EDWARD GILLIBROND } Churchwardens
THOMAS BARNES }

12. *A confession to be made by John Aspland of Witcham.*

The saied partie shall vpon Sonday beinge the iiij^th^ day of July next comminge forth of his seate in the parishe church of Witcham aforesaied into the middle allye there ymmediately after the readinge of the Gospel and there shall stand and with a loud voice shall say and confesse as followeth viz :— . . . Martii 595.[1]

Good neighbors I acknowledge and confesse that I have offended

[1] The document is arranged in this order of date in the collection; but it is now impossible to determine whether the year should be 1595 or 1596.

almighty god and by my evil example you all for that I have used to sleepe in the church for which I am moste hartely sory and I aske god and you all moste hartely forgivenes for the same promiseinge by God's helpe never to offend hereafter in the like againe.

And of the doeinge hereof hee shall vnder the handes of the Minister and Churchwardens there personally certifie togeather with these presentes vpon Munday beinge the xxijth of July next at Trinity parishe Church in Ely and then & there receive such further order therein as shall be appointed.

Concordat cum actis Curie
Ita testor Tho: Amy Notarius publicus.

Jhon Aspland hath done the penaunce prescribed in Wicham Church y^{e} day & yere above written.

By me Jhon Allen Churchwarden.
Willm Gill.
Gorge Wright.

On the dors: To my lovinge frend the Vycar of Witcham or to his Curate there giue thes.

13. *To the right worshipfull M^{r} D^{r} Cowell, Judge of the Consistorie Courte of the Bishoppricke of Elye.*

These are to signifie vnto your worship that whereas this bearer Edward Godwin of our parishe of Sawston and Bridget nowe his wyef have committed fornicacion togither before theire marriage, they have for and in satisfaction of theire said offence given and paid into the hands of vs the Churchwardens of Sawston aforesaid whose names are herevnder written to the vse of the poore of our said parishe the full summe of sixe shillings and eight pence of good and lawfull monie of England, humblye intreateinge your worshipp that the said Edward and Brigget maye be freed from further trouble and discharged the Courte. In witnesse whereof we the Minister and Churchwardens of Sawston aforesaid have hereunto subscribed[1] our names this xxxth of Maye anno domini 1596.

Edwardus Eliot Vicarius Ecclesiæ de Sawston
John + Jeffrey } Churchwardens
John ff Gibson }

14. *A confession to be made by Thomas Sowthe of Borowgreene.*

. . . . Novembris . . Domini 1596.

The saied partie shall vpon Sonday, beinge the xiiijth day of November next comminge, come forth of his seate in the parish

[1] *of* MS.

church of Borowgrene aforesayed into the middle ally there, ymediately after the readinge of the Gospel, and there shall stand and with a loude voice shall say and confesse as followeth viz:—

Good neighbors I acknowledge and confesse that I haue offended Almighty God and by my evill example you all, for that I did mowe on Sunday after eveninge prayer, in harvest time, for which I am moste hartely sory; and I aske God and you all most hartely forgiuenes for the same, promiseinge by God's helpe never to offend hereafter in the like againe.

And of the doeing hereof hee shall, vnder the handes of the Minister and Churchwardens there, personally certifie, together with these presentes, the xixth of November now instant at Greate S^{t}· Maries Church in Cambridge, and then and there receiue such further order here in as shall be appointed.

Yf the sayed Thomas Southe doe performe the order above set downe in the presence of M^{r} Garthside and the Churchwardens and Questmen before or after morninge or eveninge prayer M^{r} Chancellor wilbe content to admit thereof.

Concordat cum decreto domini Judicis
Ita testor THO: AMY, Notarius publicus

[Indorsed] To my lovinge frend Mr. Garthside at his parsonage of Boroughegrene give these.

My neighbur South hath performed all according to the direction wythin writen in the presence of vs appointed to heare the same.

by me FFRANCIS GARTHSYD rector
LAWRENCE DISBOROW and THOMAS BRYDG } churchwardens
ROBERT GAWLET and RYCHARD CUTLE } questmen

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